

17 S. High St., Suite 630, Columbus OH 43215

All Rights Reserved. This message and any attachments may not be forwarded or reproduced without
express permission from Gongwer News Service.

[unsubscribe](#)



Volume #86, Report #238 -- Tuesday, December 12, 2017

Committee Advances Ban On Down Syndrome Abortion

A Senate committee on Tuesday reported a bill banning abortions due to a Down syndrome diagnosis, potentially setting up a Wednesday floor vote that would send the measure to Gov. John Kasich.

The bill (HB 214) is the House version of the ban, and the Senate Health, Human Services & Medicaid Committee's vote came after it recommended identical language (SB 164) last month. (See Gongwer Ohio Report, November 14, 2017)

As she did on the panel's earlier vote, Sen. Stephanie Kunze (R-Hilliard) joined Democrats in voting against the report.

The committee held one hearing on the House version, with no members of the panel asking witnesses questions about the bill.

Sponsor Rep. Sarah LaTourette (R-Chagrin Falls) said people born today with Down syndrome and other developmental disabilities are more likely to be able to live longer lives than they could in the past.

"A person with Down syndrome is at increased risk for several medical conditions including congenital heart defects, respiratory, hearing and vision problems, thyroid conditions and gastrointestinal issues," she said. "All of these conditions are treatable and/or manageable with modern health care and the majority of individuals with Down syndrome are now able to lead healthy, long lives."

Fellow sponsor Rep. Derek Merrin (R-Maumee) said he believed people with Down syndrome have a right to live.

"I strongly believe life begins at conception and all unborn children deserve the right to life. Whether a child should live or die, should not be determined by their natural-born appearance, physical characteristics, or disability," he said.

Jaime Miracle, deputy director of NARAL Pro-Choice Ohio, opposed the bill, saying it could be expensive to defend in court. Other states have spent millions of dollars defending abortion restrictions, she said.

The bill would interfere with the relationship between a doctor and a patient, she said. Further, the bill has no protections for treating a woman in a life-threatening situation.

"This type of uncertainty would create a chilling effect on the medical profession in Ohio," she said. "Doctors would face a fourth-degree felony and the loss of their medical

license if they thought they followed the law, but a local prosecutor decided that they didn't do enough to fit the prosecutor's interpretation of the definition of 'knowledge' or they treated a woman who was in a medical crisis of her own or her fetus where a Down syndrome diagnosis was also present."

Decisions related to a pregnancy should ultimately be up to the woman, her family, her health care provider and others she trusts, Ms. Miracle said.

Mike Gonidakis, president of Ohio Right to Life, said government programs and laws are designed to protect people with disabilities as soon as they're born, but those people aren't protected before birth.

"What does it say about us as a society in 2017 if we're going to silo human beings based on an extra chromosome, a genetic abnormality?" he said.

Alana Belle, community organizer of New Voices Cleveland, opposed the bill, saying it is not intended to uplift people with disabilities and distracts from efforts to do so through education and other policy.

"The protection of this particular demographic of people is critical to their ability to survive and thrive but House Bill 214 is not about the protection of people," she said. "HB214 is about the protection of anti-choice value systems that are designed to unconstitutionally challenge *Roe v Wade* by strategically attacking abortion access in sections."

Utilities Urge Lawmakers To Scrap Bill Revising Regulatory Structure

Utilities on Tuesday railed against a bill to outlaw electric security plans, telling lawmakers the proposal would reduce competition and throw a wrench into a system that has worked fine for a century.

But proponents - including the Ohio Consumers' Counsel - remain adamant the proposal from Rep. Mark Romanchuk (HB 247) will save consumers dollars by forcing utilities to ditch ESPs in favor of market rate offers. (See Gongwer Ohio Report, December 5, 2017)

The utilities' remarks came during the House Public Utilities Committee's fourth hearing on the bill, which would also enable ratepayers to be reimbursed for rates the Ohio Supreme Court later rules improper.

AEP, Duke Energy and Dayton Power & Light each dispatched representatives to question proponent claims that ESPs are driving up consumer costs and that customers are missing out on savings because utilities refuse to use market rate offers.

Tom Froehle, AEP Ohio vice president of external affairs, decried proponents' characterizations of "how terrible ESPs are" and said the market rate option has never been tested at the Public Utilities Commission of Ohio.

Mandating MROs, he said, would lock parties into "an inflexible path with no opportunity to negotiate terms that would benefit the consumers, especially during periods of volatile market prices."

He also sought to discredit proponents, who he said in 2008 and 2009 expressed their support for ESPs as lawmakers considered creating that approach.

Ohio Consumers' Counsel Bruce Weston, in response, criticized the opponent testimony as "anti-consumer."

"The standard offers give Ohio consumers the benefit of competitively bid prices on their electric bills, without the pressure of door-to-door sales and telemarketing, and should be preserved as one of the best energy options for consumers," Mr. Weston said.

Other supporters, such as the Ohio Manufacturers' Association, have argued the bill would increase competition in the market. The Buckeye Institute's Greg Lawson submitted proponent testimony to the committee to that effect this week. (See Gongwer Ohio Report, November 28, 2017)

"Manufacturing is the single largest sector in the state in terms of gross domestic product and manufacturers typically count electricity as one of their largest expenditures," Mr. Lawson wrote. "Technology companies are increasingly counting Ohio as a candidate for new sites, and a more competitive electricity market should help to attract and retain these investments."

But Mr. Froehle said those parties who are now criticizing the status quo have long had a seat at the table as the companies and stakeholders negotiated over ESPs and related settlement agreements.

Those negotiations, along with legislative mandates, Mr. Froehle told Rep. Romanchuk (R-Mansfield), are the genesis of many of these contested riders that critics say are driving up costs.

"Those riders typically are product of negotiation," Mr. Froehle said, adding that OMA and others have been at the table and "have negotiated certain benefits for themselves."

"It sounds like you don't like the riders," Rep. Romanchuk replied. "Why don't we just get rid of the whole thing?"

"I think negotiations are great. That's why I don't understand why we're arguing," Mr. Froehle said. "(Opponents) come over here and act like something has been imposed on them. They're in the game. They're in this negotiation."

Amy Spiller, deputy general counsel for Duke Energy, said the bill would "disrupt the balance of the state's regulatory paradigm, drive up costs for all utility customers, create inequities, bar legitimate participation in competitive markets, and invade the province of the Federal Energy Regulatory Commission."

She too questioned the benefits of MROs versus ESPs as explained by proponents. "It has been inferred that ESPs have contributed to significantly higher rates since their inception," Ms. Spiller said. "But this suggestion is quickly dismissed by comparing price changes since that time to inflation."

And she said there's no need for the bill because a remedy for consumers already exists in that they can pursue a stay before the Ohio Supreme Court to prevent rates from being collected under after a court ruling.

But Rep. John Rogers (D-Mentor-on-the-Lake) said his reading of the law is that those requesting the stay, if their appeal fails, would be responsible for paying back the utility company. "So while there's a remedy at law it almost seems there is an insurmountable requirement," Rep. Rogers said.

Ms. Spiller said her reading is that the bond paid by the appellant is the sum used to pay back the utility and that that bond amount is set by the court.

DP&L's Nate Filler also signaled the company's opposition in written testimony.

Several interested parties also testified, including the League of Women Voters, which said electric rates have nearly doubled since 2008.

And Ohio Gas Association President Jimmy Stewart expressed "strong concerns" with the bill's provision to require refunds. "It would undo decades of ratemaking practices and violate the core principle of retroactive ratemaking," Mr. Stewart said.

The Ohio Energy Group urged the panel to refrain from eliminating ESPs outright. They can be improved, the group argued, "but abolishing ESPs altogether would be drastic and unwise," said OEG Counsel Michael Kurtz.

Finally, Joseph Olikar, senior regulatory counsel for IGS Energy, called the bill "a step backwards from the current state" in that it requires utilities to be the provider of default service and removes regulatory flexibility from the PUCO.

Committee Hearings Begin For Third Nuclear ZEN Proposal

The sponsor of two House bills to grant cost recovery to FirstEnergy nuclear plants is hoping the third time's the charm.

Rep. Anthony DeVitis (R-Green) delivered sponsor testimony Tuesday before the House Public Utilities Committee on his second, but no less controversial, bill to create a zero-emission nuclear credit program.

It's the third version of the ZEN proposal overall this year when accounting for a Senate companion (SB 128) that has slowed after four hearings before the chamber's Public Utilities Committee.

The DeVitis proposal (HB 381) and its predecessor (HB 178) are similar and have drawn the same criticism from opponents who say the program would bail out uneconomic plants. FirstEnergy, for its part, has labeled the issue a priority, with CEO Chuck Jones predicting passage in early 2018. (See Gongwer Ohio Report, October 27, 2017)

Republicans in both chambers have been skeptical of the proposals; HB178 has received three hearings and a Senate version (SB 128) has similarly lost traction after four hearings. Still, Rep. DeVitis urged lawmakers to act quickly to protect the state's nuclear resources.

"Though there is no question nuclear power plants are a key component of a balanced energy mix, nuclear plants across the country are facing unprecedented challenges due to suppressed power prices and flawed federally regulated electricity markets," Rep. DeVitis said.

Rep. DeVitis sought to brush aside opponents' urging that lawmakers wait to act on the bill until the Federal Energy Regulatory Commission rules on a proposal to financially support nuclear and coal plants. FERC, he noted, recently received a 30-day extension and is now expected to rule by Jan. 10. (See Gongwer Ohio Report, December 11, 2017)

"Ohio can't afford to fall behind - nor can it allow the federal government to decide its fate by waiting for solutions that may be inadequate or too late," Rep. DeVitis said. "We can safeguard Ohio's long-term energy security and a healthy economy and environment now by approving HB381."

The bill's roughly similar to its predecessor but it includes several new guardrails including capping a residential consumer's monthly nonbypassable charge at \$2.50 and capping a nonresidential customer's monthly charge to the lesser of \$3,500 or 5% of the total bill. It also downsizes the life span of the program to 12 years - ending it on Dec. 31, 2030 - down from 16 years in the prior bill. (See Gongwer Ohio Report, October 16, 2017)

Committee members asked few questions of the sponsor, although Rep. Martin Sweeney (D-Cleveland) did praise Rep. DeVitis for listening to public feedback in crafting the new bill.

Rep. DeVitis called the latest version "a step in the right direction."

"I think it's a significant improvement," Rep. Sweeney agreed, "and I'm looking forward to working with you to make it become reality."

Rep. Adam Miller (D-Columbus) questioned the sponsor on a provision that would exempt from public disclosure records submitted to the PUCO in order to satisfy criteria of the ZEN program. Those would include financial statements, financial data and trade secrets.

Asked whether that provision would be breaking new ground or if there have been similar exemptions made in prior bills, Rep. DeVitis replied he was unsure.

Committee Chairman Rep. Robert Cupp (R-Lima) said in an interview he intends to focus any further discussion on the ZEN proposal on the new bill, which effectively means the proponents/opponent cycle may resume next year after lawmakers return.

Broadband Bill Backers Highlight Internet's Link To Economic, Health Outcomes

The House Finance Committee on Tuesday heard support for measures creating financial incentives to expand broadband internet access, which backers said would have a positive impact on the economy and Ohioans' health.

A lack of high-speed internet has contributed to fewer jobs, less educational opportunities and fewer health advancements in rural areas of the state, said witnesses who testified on legislation to establish broadband expansion and grant programs (HB 281 & HB 378).

The former would award state dollars to counties and municipalities that are willing to partially fund broadband connections.

A comprehensive substitute bill accepted Tuesday would offer those interested more ways to fund the project and removes funding ratio requirements. It also reduces the speed of internet that must be available to be considered underserved from 25 MBbs upload speed to 10 MBbs. (Comparison Document)

"We want to make sure we're allowing not only underserved (communities to participate), but we also don't want to preclude any providers out there from bidding on this as well," sponsoring Rep. Rick Carfagna (R-Westerville) said.

He said the bulk of the changes to the bill are centered on ensuring underserved communities have the flexibility to take advantage of the opportunity to expand broadband.

Defiance County Commissioners President Ryan Mack said having no mechanism in place currently for communities to fund so-called last-mile expansions is hindering their ability to be competitive.

"The current state of fiber optic infrastructure in the state of Ohio, if not addressed, will hamper our ability to educate our youth and be competitive on the world scene with economic development for generations to come," he said. "This bill is the best step in the right direction to address these serious infrastructure issues."

A Defiance College study showed that more than 50% of the businesses in the county experience slow internet speeds or complete internet breaks for days at a time, Mr. Mack said.

The same issue is also plaguing southern Ohio, said Hocking College President Betty Young. She testified in support of House Bill 378, which would appropriate \$50 million each fiscal year through the Third Frontier Research and Development Fund to finance the Ohio Broadband Development Grant Program.

The Development Services Agency would administer the program and award grants of up to \$5 million to eligible political subdivisions, businesses, nonprofits and co-ops for construction and installation of broadband infrastructure.

Although higher education institutions in the state have access to fiber, there are students who can't connect to the internet when they're at home, meaning they're unable to complete assignments or seek out opportunities to work remotely, Ms. Young said.

"We have programs in web and app development and cyber security and the students have to be in certain labs in certain places where they can do that," she said.

If more tech jobs, which often provide employees with livable wages, could operate in the region, there would be more hope, Ms. Young said. If residents have hope, they may be less likely to turn to opiates, which are a major problem in her area of the state.

"We have people who can do these jobs, who want to work who will be happy to work...but without having jobs, without having access, many of them are not going to leave southern Ohio."

Stu Johnson, executive director for Connect Ohio, said 300,000 households in rural Ohio don't have access to broadband. Another 2.1 million households are served only by one provider.

"The bill rewards creative ways to stretch dollars and build out service to as many people as possible, while also prioritizing broadband service to unserved community anchor institutions, such as education, public safety, and healthcare facilities," he said.

Thirteen other states have passed similar legislation, he said. In Minnesota, which served as a model for the proposed program, a number of qualified applicants have applied to receive grants.

Wisconsin recently added another \$7.5 million to its program because it has been so successful, he added.

Among those that would be interested in applying for the proposed grants are co-ops like the Consolidated Electric Cooperative that represents Delaware and Morrow counties, its president Phil Caskey said.

"Consolidated has been blessed by a geography and demographic that supports our ability to make investments in non-electric services that enable and encourage the long-term growth and prosperity of our communities," he said. "Few of our sister electric

cooperatives in Ohio, each independently owned by those it serves, can afford the high initial costs involved in entering these markets."

His co-op expects to invest tens of millions of dollars over the next few years to make broadband available to all but about 20,000 residents, Mr. Caskey told the committee. It will cost as much as \$40 million to serve 17,000 new households.

Former State Health Director Rick Hodges, who currently serves as executive in residence in the Ohio University College of Health Sciences and Professions, said easier access to healthcare will be one of the benefits of rural residents who receive high-speed internet as a result of the bill.

The average life expectancy in Appalachia has decreased by 5% in the last two decades while it's increased elsewhere, he said. That can partially be attributed to a lack of access to care and technological advancements in medicine.

"We have all witnessed or heard stories about the amazing advances in science that allow physicians at centers of excellence in Columbus, Cleveland or Cincinnati, or even in any city around the world, to consult with or even examine patients in remote areas. Physicians can consult with each other on a particular case. First responders can be in contact with hospitals during emergency situations," Mr. Hodges said. "That science, however, is impossible to extend to people who live without reliable broadband."

Other proponents of the bill include Ohio Municipal League and Ohio Township Association, which also provided written testimony backing House Bill 281. They were joined in their support of the latter by the Ohio Hotel and Lodging Association and the Satellite Broadcasting and Communications Association.

Subscribers Note: Complete testimony is available on the committee's website under Dec. 12.

Former Justice Asks Lawmakers To Address Mandatory Bindovers

The author of an Ohio Supreme Court decision that temporarily put an end to the practice of mandatorily binding over certain juveniles for specific offenses urged lawmakers to advance a bill that would again end the practice.

Former Justice Judith Ann Lanzinger told members of the Senate Judiciary Committee that they should not wait for the U.S. Supreme Court to act.

"Ohio has a well-deserved reputation for being in the forefront of juvenile justice," she said while testifying on the bill (SB 64). "We have judges who currently serve at a national level and those who recognize the importance of exercising their discretion appropriately. The juvenile judges should be trusted to determine the best interest of the community, the public safety and the individual juvenile in each case."

The decision Justice Lanzinger authored was reversed earlier this year after two new justices were seated on the bench. (See Gongwer Ohio Report, May 26, 2017)

Asked by Sen. Cecil Thomas (D-Cincinnati) about the rationale for that reversal, Ms. Lanzinger said the newly constituted court found that ending mandatory bindovers would have overruled the General Assembly.

Ms. Lanzinger also emphasized the legislation will provide the state's juvenile judges with discretion but will not mean juveniles will be able to avoid prison in all cases.

"Passage would mean a juvenile judge will have discretion to carry out judicial duties. Artificial mandates for transfer will disappear and decisions on the proper jurisdiction for a case will remain with the judge who is most likely to understand the intricacies of a situation," she said.

"A judge may always find a juvenile unamenable after a hearing and may choose to transfer the case to common pleas court. The judge would no longer be prevented from full consideration of a juvenile case."

Niki Clum, legislative liaison for the Ohio Public Defender, also spoke in favor of the bill, saying mandatory bindovers ignore the expertise of juvenile courts.

"Social and behavioral science related to juveniles is continually changing and progressing. Since juvenile judges interact with this science and juveniles every day, they are best suited to make fact specific determinations regarding a child's amenability based on the most up to date science," she said.

Sen. John Eklund (R-Chardon) questioned whether the bill would apply retroactively. Ms. Clum said she does not believe that to be the case.

Ms. Clum told members of the panel that the legislation is "good policy for all Ohioans regardless of whether they have a connection to the juvenile justice system."

"Every Ohioan benefits from juveniles receiving mental health assistance, counseling, and education so that they can become contributing members of society," she said. "Whereas no one benefits from ignoring the developmental needs of youth and having tax dollars spent to imprison children."

Gary Daniels, chief lobbyist at the ACLU of Ohio, offered similar thoughts.

"This current lack of judicial discretion serves no one," he said. "It does not lead to rehabilitation of youth. In fact, it puts them in far more danger when they are incarcerated with adults. These same people then leave prison in worse shape than when they arrived, to the detriment of everyone."

Gabriella Celeste, director of policy with the Schubert Center for Child Studies at Case Western Reserve University, provided written proponent testimony.

Human Trafficking Expungement List Draws Concerns

Ohio prosecutors and the state public defender have issues with a measure that expands the list of eligible offenses that could be expunged on behalf of human trafficking victims.

Niki Clum, legislative liaison for the Public Defender, said she is concerned that the bill (SB 4~~00~~) does not go far enough.

She suggested removing a requirement that a victim must have a conviction for prostitution and/or solicitation before applying to have other convictions expunged.

She said the bill also prevents expungement for the offenses of aggravated murder, murder and rape.

"There are cases in Ohio where a human-trafficking victim is forced to kill their pimp or a john because they have no other option and no escape from enslavement," Ms. Clum said during proponent testimony.

She also raised concerns about the factors a court can take into consideration before expunging a felony of the first- or second-degree. She said those factors could result in no such felonies being expunged.

"Instead of allowing victimized people to move past this horrible time in their lives become productive members of society, the overly broad restrictions in both bills greatly reduce the chances that victims will benefit from these bills," she said. "Victims of human-trafficking have survived unthinkable suffering. An expungement could be the fresh start they need to obtain adequate housing and good jobs to support their families."

Asked by Rep. Bernadine Kent (D-Columbus) if she believes the legislation would hinder the prosecution of traffickers, Ms. Clum said she does not believe that to be the case.

Rep. Bill Seitz (R-Cincinnati) said his major concern with the bill is that it does not give the prosecution the opportunity to challenge the trafficking claim.

Ms. Clum said she is concerned that such a requirement would lead to retaliation, but Rep. Seitz said it could be done through an in-camera process and out of the public's view.

Lou Tobin, executive director of the Ohio Prosecuting Attorneys Association, recommended several changes to the bill, including the exclusion of all first- and second-degree felonies from the expungement process.

"Under the bill, someone would be able to seek to expunge the records of offenses as serious as voluntary manslaughter, felonious assault, kidnapping, abduction, aggravated

robbery, and aggravated burglary, among many others," he said in interested party testimony.

Mr. Tobin also recommended that the bill be changed to include a provision that allows for the application for expungement to be filed only after the completion of any sentence for the offense and final discharge by the court or the Department of Rehabilitation and Correction. He also asked for a provision that makes it clear a court cannot order an expungement for dismissals without prejudice prior to the expiration of the statute of limitations.

The bill, he said, "would allow a victim of human trafficking to seek to have the records in the case destroyed even though charges may be refiled."

Rep. Jim Butler (R-Oakwood) questioned the OPAA's rationale for testifying as an interested party.

Mr. Tobin said that is because the state's prosecutors sympathize with victims of human trafficking but have serious concerns about the destruction of records.

Also providing written testimony in favor of the measure were representatives of the ACTION OHIO Coalition for Battered Women, the YWCA of Dayton and Case Western Reserve University. Two survivors of human trafficking also provided written testimony in support of the bill.

Groups Seek Shift In Burden Of Proof For Self-Defense Cases

Gun-rights groups and representatives of Ohio's indigent defendants asked a Senate committee Tuesday to shift the burden of proof for those involved in self-defense cases.

The measure (SB 180) would expand instances in which there is no duty to retreat.

Gun rights groups say the current law, which places the burden of proof on the defendant in such cases, makes Ohio an outlier among states.

Doug Deeken, director of Ohioans for Concealed Carry, said the duty to retreat is a "legal trap."

"It is a sad fact that in Ohio under current law someone can be attacked on the streets and then victimized again in court for not running away fast enough," he said. "A split-second life or death decision gets to be reconsidered in the comfort of a lawyer's office for weeks and months afterwards. That's grossly unfair to the original victim of the criminal attack, regardless of which level of force might be used to preserve their life."

State Public Defender Tim Young also backed the proposal.

"It is simply unfair to continue to put the burden on Ohioans to prove they acted lawfully," he said. "It is the antithesis of our justice system - innocent until proven guilty. It should be the government's burden to prove unlawfulness. Locking someone up for a crime and taking away their liberty is not supposed to be easy. Proof beyond a reasonable doubt is a pillar of court criminal justice system and our democracy. It is intended to be a heavy burden."

Also providing proponent testimony on the measure was Amy Lesser.

The state's prosecutors, however, raised several concerns with the legislation, including shifting the burden of proof.

"It will inevitably lead to individuals who have committed very serious crimes walking away unpunished," Ohio Prosecuting Attorneys Association Executive Director Lou Tobin said.

Sen. John Eklund (R-Chardon) questioned whether prosecutors would object to shifting the burden of proof, but with a lesser burden than beyond a reasonable doubt. Mr. Tobin said his group does not believe the burden should be shifted.

Mr. Tobin also spoke against a section that would change the penalties for the offense of carrying a concealed weapon from a first-degree misdemeanor to a minor misdemeanor.

John Little, an assistant prosecuting attorney in Muskingum County, echoed those sentiments. He said when changing law, lawmakers should first do no harm.

"Changing a 200-year body of jurisprudence that presents zero demonstrated poor outcomes is the doing of harm," he said.

Gary Daniels, chief lobbyist of the ACLU of Ohio, raised the specter that the legislation will negatively impact people of color in Ohio. He said statistics show that people of color are more likely to be interdicted by law enforcement and often face longer or harsher sentences than their white counterparts.

"When looking at national crime data, we also know that of the gigantic racial disparities when it comes to justifiable homicides," he said. "That is, when the shooter is white and the victim is black, the chance the homicide will be found justified is significantly greater than when both the shooter and victim are white (and when the shooter is black and the victim white or black)."

Michele Mueller, a volunteer with Moms Demand Action for Gun Sense in America, said the weakening of penalties for carrying a concealed handgun undermines the current permitting system for those legally carrying concealed firearms.

"This does not make me feel safer, knowing people carrying handguns in my community will no longer have to go through those safety measures," she said. "Not to mention the

issues this will cause with law enforcement when they interact with people carrying guns without permits."

John Gilchrist, legislative counsel for the Ohio Association of Chiefs of Police, told the committee that current law "balances societal interests."

"There are strong public policies for preserving the sanctity of life on one hand, and on the other hand, for allowing one to protect himself from harm," he said in written testimony. "Allowing citizens to 'stand-your-ground' upsets this balance. It allows the killing of an individual in certain situations where the death could have been avoided and thus makes a criminal homicide a justifiable homicide."

Proposed Constitutional Amendment Aims To Reduce Prison Population, Divert Funding To Drug Treatment

A group looking to add criminal justice reforms to the state constitution has plans to take the issue to the November 2018 ballot.

The Ballot Board on Tuesday certified the Neighborhood Safety, Drug Treatment and Rehabilitation Amendment as a single issue, giving backers the green light to begin collecting the more than 300,000 valid signatures needed to put the proposal before voters.

The amendment would reduce nonviolent drug offenses from felonies to misdemeanors, reduce penalties for non-criminal probation violations, and provide sentence credits for participation in rehabilitative programs.

"The general idea is we're going to reduce the number of people in state prisons for low-level, non-violent crimes and instead invest that money from the savings of fewer folks in prison to drug treatment and victim services," said Michael McGovern, spokesman for the Ohio Organizing Collaborative.

An analysis of how much the state could save on prison costs as a result of the measure hasn't yet been completed, he said.

The collaborative, which is partnering with others on the Ohio Safe and Healthy Communities Campaign, is currently building a coalition to support the plan, he said. Backers include law enforcement, community and faith-based groups among others.

Although there have been legislative efforts in recent years to review and revise sentencing related to non-violent offenses, Mr. McGovern said it's no secret that the state's prisons continue to remain over capacity and a drain on resources.

"Criminal justice reform has been on the minds of people across the partisan spectrum and we felt this was a route to move it forward and build a coalition across the state to support it," he said in an interview.

If Ohioans were to approve the ballot issue, it would be a unique approach to reducing a prison population, he added. Other states have done so through legislative and administrative initiatives.

To appear before voters in November, petitioners must submit sufficient signatures to the secretary of state's office by July 4.

Financial Health Ratings Show 'Slight Increase' In Fiscal Stress Among Ohio Counties, Cities

Updated financial health indicators show Ohio counties and cities reported more indicators of potential fiscal stress in 2016 than the year before, State Auditor Dave Yost said Tuesday.

Mr. Yost made that announcement at a Statehouse press conference in which he unveiled 2016 data providing a snapshot look at the fiscal status of Ohio's municipalities through his office's Financial Health Indicator system.

Mr. Yost first unveiled the financial health indicator system - which uses 17 factors to conduct what the auditor terms a "fiscal physical" - in January as a tool to help the state's 88 counties and 247 cities foresee and avoid fiscal crises. (See Gongwer Ohio Report, January 25, 2017)



Dave Yost

Since then, the auditor said he's been pleased by the feedback from communities and citizens using the tool. He also unveiled several changes to the online reporting tool to enable users to more easily search for and compare different counties and cities. Users, for example, can now search for municipalities by county or compare various entities passed on population size or other factors.

"If this boils it down - the numbers and the arcane sciences of accounting - to a place where people are able to have an informed conversation that's a good thing," Mr. Yost said. "That means self-government is working, that means democracy is alive and well and functioning in our local communities."

The system's indicators include capital assets and infrastructure, spending exceeding annual revenues, unrestricted balance of government-type activity funds and other similar measures.

According to 2016 data, Morgan County met the fiscal stress threshold and three counties - Hocking, Jackson and Vinton - show early signs and may be two or three years away from fiscal stress. By contrast, 2015 numbers flagged no counties at fiscal stress.

At the city level, nine cities showed fiscal stress in 2016, including Akron, Canton, East Cleveland, Girard, Lorain, Maple Heights and Norwood, all of which showed fiscal stress in 2015. New to the stress list this year were Fostoria and Parma Heights.

"Not any one of these things is dispositive or time for the fire alarms," Mr. Yost said of individual indicators. "But we want to point these things out because it's time to have a conversation, understand why those issues are occurring and figure out how to deal with it."

Overall, 62.5% of counties had more critical or cautionary indicators than in 2015, but Mr. Yost said that's partly skewed because the system this year for the first time allowed communities more freedom in reporting the allocation of pension liabilities. Among cities, the difference was nearly evenly split with 45% having more indicators in 2016 and 44% having fewer.

The 2016 data also showed:

- 64 critical indicators among counties in 2016 - up from 36 in 2015.
- A 38% increase in county cautionary outlook indicators - from 132 in 2015 to 182 in 2016.
- 78 counties that had at least one cautionary outlook indicator in 2016 - up from 70 in 2015.
- The number of cities with critical indicators grew from 275 in 2015 to 301 in 2016.

- Cities reported 513 cautionary indicators in 2016, down slightly from 518 the preceding year.
- Cities with at least one critical or cautionary indicator grew 4% from 217 in 2015 to 227 in 2016.

Debate Over Debt Adjusting Bill Continues As Legal Community Raises Concerns

Debate continued Tuesday on a bill that would allow debt settlement companies to operate in Ohio, with proponents arguing it would give consumers more choices and opponents saying it would conflict with regulations on the practice of law.

The comments came as the House Financial Institutions, Housing & Urban Development Committee accepted a substitute bill for the measure (HB 182).

Rep. Bill Reineke (R-Tiffin) said the sub bill would ensure the bill doesn't affect debt collectors and requires debt adjusting companies to inform clients of creditors who won't negotiate settlements. (Comp Doc)

David Leuthold, a board member of the American Fair Credit Council, said the bill would give Ohioans more tools to deal with personal debt. The substitute bill would make clients aware of creditors who won't participate.

"The notice of non-participating creditors that I mentioned is an area where Ohio law would go beyond what is required of us at the federal level, and we are OK with that," he said.

Rep. Catherine Ingram (D-Cincinnati) asked if the number of non-participating lenders is increasing.

Mr. Leuthold said the number has not increased. He said some people who go through debt settlement do eventually have to file for bankruptcy, as is also the case for credit counseling, but there are few complaints.

Rep. Ingram asked if people can negotiate the terms of their debt on their own, without debt settlement or legal representation. Mr. Leuthold said it's possible but difficult.

Rep. Robert Sprague (R-Findlay) asked what separates good debt settlement companies from bad actors in the industry.

Mr. Leuthold said new federal rules that barred companies from charging upfront fees put a lot of companies out of business. Because of the capital requirements under the new rules, he said, the companies in business today tend to do a good job. Some bad actors now pose as law firms in order to avoid federal rules, he said.

Rep. Kent Smith (D-Euclid) said a report on Maryland's debt settlement law found few people who participated received full relief from their debt.

Mr. Leuthold said a lot of clients leave the program before all of the debts are settled because they feel they can pay the rest of their debts themselves.

Jeffrey Fanger, representing the Ohio State Bar Association, said the bill would allow companies to engage in the unauthorized practice of law.

He said debtors who go through settlement are often unaware of situations such as the tax liability on debt that is negotiated away, of which attorneys would be obligated to inform them.

Mr. Fanger said the practice of law in Ohio is defined solely by the Ohio Supreme Court.

Rep. Sprague asked how the bill would affect that authority.

"What happens if the legislature passes a piece in the Ohio Revised Code that is incongruous with the Ohio Supreme Court's regulation of the practice of law?" he asked.

Mr. Fanger said if a complaint were filed, an investigation of the debt settlement would likely lead to the company being penalized by the court for the unauthorized practice of law.

"The legislature cannot authorize someone to engage in the practice of law," he said. "It does not have that power in the constitution."

Rep. Sprague asked if law firms that are currently settling debt are charging upfront fees or percentages of negotiated debt.

Mr. Fanger said law firms generally charge for the time of their services. He said the fees can't be tied to a percentage of the settled debt.

He said lawyers who perform debt settlement are subject to regulations of the practice of law and to malpractice actions.

"There's a system in place for the regulation of attorneys who are not properly negotiating these debts," he said.

Inspector General Finds Wright State Overpaid Consultant By \$1.8 Million

A vast majority of the \$2.3 million that Wright State University paid to a consultant over several years was unauthorized or questionable, according to a report issued Tuesday by Inspector General Randall Meyer.

The IG's report, which stemmed from a complaint filed by Rep. Jim Butler (R-Oakwood), determined that \$1.8 million of that total amounted to "overpayments, unsupported payments, unauthorized payments, or questionable payments," Mr. Meyer's office reported.

The institution responded that it has already taken steps to address issues highlighted in the IG's report and that it is currently in litigation in an attempt to recoup some of the funds.

The money in question that was paid to Ron Wine Consulting Group came under a development contract to secure funding for WSU and Wright State Applied Research Corporation, according to investigative documents.

Rep. Butler contacted the IG's office in January of 2016 after meeting with Mr. Wine and examining an account summary of payments the consultant received between October 2012 and November 2015. The IG's report stated that the lawmaker believed many of the payments were outside of the scope of the contract.

Investigators were told by Mr. Wine that he had an "understanding" with former WSU President David Hopkins regarding the percentage - "about 5% of the workload" - that he would receive based on the amount of grants and other funding he obtained for the university over six-month periods. Mr. Hopkins told the IG's office that a 2009 "retainer" for Mr. Wine's services to WSU was \$6,000 per month in 2009 and that he had never met with the consultant to discuss payments outside of the contract with WSARC.

However, the IG reported, "he also stated that...it's always been the retainer and then he had a contract with (WSARC) that was specifically defined."

While state investigators identified payments made by WSU to Mr. Wine, the university "was unable to provide a contract or supporting documentation for these payments."

"Without proper documentation, the Office of Ohio Inspector General Could not determine the validity of these payments, and therefore considered them to be questionable," the IG reported.

The probe determined that the money paid to Mr. Wine came out of a \$16 million Workforce Development Fund established by the legislature that paid WSU \$4 million a year over four years.

Along with the problems cited with the payments, investigators determined that WSARC, while formed as an independent, non-profit corporation, did not "maintain sufficient independence from the university to be considered an independent entity, and instead constituted an arm of the university itself."

The IG's report concluded that wrongful acts or omissions occurred with the financial arrangement and sent the report of investigation to the Greene County Prosecutor's Office and the Auditor of State for consideration.

Mr. Meyer's office also recommended that: WSU implement an affiliation agreement with the nonprofit; consider establishing independent leadership and financial accounts for affiliated entities; consider staffing such entities with university employees; and look into hiring outside legal counsel to represent affiliated entities.

WSU said in a statement it had just received a copy of the report on Monday and would cooperate fully with any further action contemplated by the auditor or prosecutor.

"As the university is currently involved in litigation with Mr. Wine regarding his consulting services and amounts paid pursuant to such contracts, the university's longstanding practice is not to comment on pending litigation matters," WSU stated.

The university indicated that since 2015 it has taken "corrective actions" that apply to the IG's recommendations. They are as follows:

- The University has worked with the Ohio Attorney General and outside counsel since 2015 to implement new contracting procedures.
- A new general counsel was hired in March 2016 to address many of the issues.
- The Wright State University Board of Trustees established an affiliated entity policy to manage the university's relationship with WSARC and other affiliated entities.
- Wright State university established new compliance steps to ensure that all financial dealings between the university and its vendors and affiliated entities were conducted in an appropriate, open and transparent fashion.

Politics Notebook: Bacon In Congress Bid; Rendell Backs Pillich; Antonio Bemoans Lack Of HB160 Hearing...

Sen. Kevin Bacon (R-Minerva Park) on Tuesday became the second sitting lawmaker to formally declare his candidacy for the 12th Congressional District seat being vacated by U.S. Rep. Pat Tiberi (R-Galena).

"The record of achievement that I've established is one grounded in two principles: reducing government regulation and collaboration," Sen. Bacon said in a release. "Every move I make, and I'll work with anyone to achieve these goals, will seek to reduce spending, cut government red tape and help business owners create new and better paying jobs."

"From farmers to small business owners to hard working families just trying to make ends meet, I share their values," the lawmaker added. "I'll take Ohio's approach to government spending - where the budget has to balance - and fight for that sort of common sense in Washington."

Mr. Tiberi's resignation to become president of the Ohio Business Roundtable will prompt a special election, the date for which has yet to be announced. Sen. Troy Balderson (R-Zanesville) announced his intention to seek the seat last week. (See Gongwer Ohio Report, December 7, 2017)

Hearing Delay Lamented: Rep. Nickie Antonio (D-Lakewood) expressed disappointment Tuesday over the lack of any near-term hearings on her bill to bar discrimination based on sexual orientation and gender identity in areas of employment, housing and public accommodations in Ohio (HB 160).

The planned second hearing on her proposal has been pushed back to "an unspecified date in January," she said in a statement that pointed to the strong business backing for the measure.

"HB160 is supported by many of Ohio's most successful businesses and has the potential to serve as an economic catalyst to drive innovation, spur investment and attract the best and brightest to Ohio," Rep. Antonio said. "We're not deterred by this delay, and I look forward to hearing from our local and statewide chambers of commerce and over 200 businesses who have joined Ohio Business Competes to support fairness for all Ohioans as we continue hearings in the new year."

Rep. Antonio, a candidate for the Ohio Senate, said Ohio is one of 28 states without such protections for the LGBT community. Nineteen Ohio cities have passed non-discrimination ordinances, and 80% of top employers in Ohio have corporate policies that prohibit discrimination based on sexual orientation, she said.

Pillich Endorsement: Former State lawmaker Connie Pillich on Tuesday announced the endorsement of former Pennsylvania Gov. Ed Rendell for her gubernatorial bid.

"I've got a reputation for being blunt, so I won't mince words: Connie Pillich will be a darn good governor of Ohio," Mr. Rendell said in a statement released by the Pillich campaign. "As a former Air Force captain, a public defender, and State Representative, Connie knows a thing or two about leadership. I'm proud to endorse her candidacy and I'll stump like hell to get her elected."

Mr. Rendell also formerly served as mayor of Philadelphia mayor and as the Democratic National Committee Chairman.

Marijuana: Auditor Dave Yost said Tuesday his office is considering its ability to potentially review the process by which 12 Level 1 medical marijuana cultivators were recently awarded provisional licenses.

That follows accusations from spurned applicants that the licensing application process was skewed and the news that one of several people vetting applications had a previous drug dealing conviction. (See Gongwer Ohio Report, December 6, 2017)

"This is the first time we've done this in Ohio and getting it right is critically important," Mr. Yost said of the program. "We don't need to have this program held up in court or with great controversy because it was done in a slipshod matter. I don't know that it was but the optics aren't good."

Mr. Yost said his office has no power to halt the program but is able to review documents and actions taken and compare them to internal procedures and policies.

"Did they follow their own rules? Did they follow the statute? That's what we're asking questions about right now," Mr. Yost said.

He said the governor has the ability to run the Department of Commerce as he sees fit and that "I neither have nor want the power to second guess him. On the other hand, I'm a big fan of transparency and light."

Governor's Appointments

Terra State Community College Board of Trustees: Roberto Miller of Perrysburg for a term beginning December 12, 2017, and ending December 30, 2022.

Advisory Board on Amusement Ride Safety: Timothy J. Lisko, Sr. of Lowellville for a term beginning December 12, 2017, and ending January 1, 2023.

Attorney General's Opinion

No. 2017-044. Requested by Van Wert County Prosecuting Attorney Eva J. Yarger.
SYLLABUS:

1. Neither a county engineer nor a board of county commissioners of one of several counties in which land is benefited or damaged by a joint county ditch constructed under R.C. Chapter 6133 may establish a ditch maintenance fund for the joint county ditch. R.C. 6137.02 confers the authority to establish a ditch maintenance fund for a joint county ditch upon a joint board of county commissioners, which consists of the members of the boards of county commissioners of the several counties in which land may be benefited or damaged by the joint county ditch.

2. A ditch maintenance fund for a joint county ditch may only be established by a joint board of county commissioners as set forth in R.C. 6137.02. All expenditures made from a ditch maintenance fund for a joint county ditch established under R.C. 6137.02 shall be made in compliance with the provisions in R.C. Chapter 6137. A joint board of county commissioners that did not establish a ditch maintenance fund for a joint county ditch pursuant to R.C. 6137.02 may not approve retroactively the establishment by one of the participating counties of a ditch maintenance fund for a joint county ditch, or approve any expenditure that has been made for the ditch's repair, upkeep, or permanent maintenance that did not comply with the provisions in R.C. Chapter 6137.

Supplemental Agency Calendar

Thursday, December 14

Elections Commission, 77 S. High St., Rm. East B, 31st floor, Columbus, 10 a.m.

Wednesday, January 10

Petroleum Underground Storage Tank Release Compensation Board, 4151 Executive Parkway, Suite 350, Westerville, 10 a.m. (The Rules Committee will meet at 12 pm in the same location)

Supplemental Event Planner

Wednesday, December 13

Rep. Wes Retherford (R-Hamilton) news conference on bill exempting files violating bodily privacy from public record, Harding Senate Press Rm., Statehouse, Columbus, 11:30 a.m.
Rep. Nathan Manning (R-N. Ridgeville) & Sen. Gayle Manning (R-N. Ridgeville) fundraiser, Oliver's, 26 N. High St., Columbus, 5 p.m., (Sponsor: \$250; Attend: \$50 to Nathan Manning for Ohio and Committee to Elect Gayle Manning)

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2017, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.

Daily Activity Planner for Wednesday, December 13

Legislative Committees

House Health (Committee Record) (Chr. Huffman, S., 466-8114), Rm. 121, 9 a.m.

HB 172 **MEDICAL RECORDS** (Schuring, K.) To modify the laws governing access to a patient's medical records. (5th Hearing-Possible amendments & vote)

HB 258 **ABORTION** (Hagan, C., Hood, R.) To generally prohibit an abortion of an unborn human individual with a detectable heartbeat and to create the Joint Legislative Committee on Adoption Promotion and Support. (4th Hearing-Possible vote)

HB 191 **NURSE ANESTHETISTS** (Gonzales, A.) Regarding the practice of certified registered nurse anesthetists. (2nd Hearing-Proponent)

Senate Ways & Means (Committee Record) (Chr. Eklund, J., 644-7718), South Hearing Rm., 9 a.m.

HB 69 **TIF DISTRICTS** (Cupp, R.) To require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district. (7th Hearing-All testimony-Possible amendments & vote)

Senate Education (Committee Record) (Chr. Lehner, P., 466-4538), North Hearing Rm., 9:45 a.m.

SB 216 **SCHOOL REGULATIONS** (Huffman, M.) To enact the "Ohio Public School Deregulation Act" regarding the administration of preschool and primary and secondary education programs. (4th Hearing-All testimony)

House Insurance (Committee Record) (Chr. Brinkman, T., 644-6886), Rm. 116, 10 a.m.

HB 156 **VISION CARE INSURANCE** (Schuring, K.) Regarding limitations imposed by health insurers on vision care services. (5th Hearing-All testimony-Possible substitute)

HB 268 **WORKERS COMPENSATION** (Henne, M.) To make changes to the Workers' Compensation Law with respect to self-insuring employers. (3rd Hearing-Opponent)

HB 269 **WORKERS COMPENSATION** (Henne, M.) To rename the entities who carry out workers' compensation functions in this state, to require the Administrator of Worker Safety and Rehabilitation to develop incentives for employers to participate in safety consultations and loss prevention programs, to require an employee who is receiving temporary total disability compensation to comply with a return to work plan, and to make changes with respect to compensation for permanent total disability and death benefits. (3rd Hearing-Opponent)

HB 416 **HEALTH SERVICE PRICES** (Huffman, S.) Regarding the provision of cost estimates for scheduled health care services and health care services requiring insurer preauthorization. (1st Hearing-Sponsor)

House Transportation & Public Safety (Committee Record) (**Chr. Green, D., 644-6034**),
Rm. 017, 10 a.m.

SB 6 **BRIDGE PROGRAM** (Hoagland, F.) To extend the Ohio Bridge Partnership Program through the end of fiscal year 2019 and to require the Director of Transportation to submit a report to the Governor, Senate, and House of Representatives recommending ways to continue to fund the program. (1st Hearing-All testimony-Possible amendments & vote)

SB 134 **ROAD NAMING** (Gardner, R.) To designate a portion of State Route 795 in Wood County as the "Lt Col Thomas P. Belkofer Memorial Highway." (1st Hearing-All testimony-Possible substitute & vote)

HB 190 **RAIL CROSSINGS** (Lepore-Hagan, M., Schuring, K.) To require vehicle operators to watch, listen, and stop for on-track equipment that may be approaching a railroad crossing. (4th Hearing-All testimony-Possible vote)

HB 250 **ELECTRIC BICYCLES** (Brinkman, T.) To establish requirements for the use of electric bicycles. (4th Hearing-All testimony-Possible vote)

HB 347 **ROAD NAMING** (Kelly, B., Dever, J.) To designate a portion of I-71 in Hamilton County as the "Sonny L. Kim Memorial Highway." (1st Hearing-All testimony-Possible vote)

HB 293 **DRIVER'S LICENSES** (Scherer, G., Sheehy, M.) To require a person to hold a temporary instruction permit for one year before obtaining a probationary driver's license and to alter the time periods during which the holder of a temporary instruction permit or probationary driver's license is prohibited from operating a motor vehicle without being accompanied by a parent or guardian. (2nd Hearing-Proponent)

HB 384 **VEHICLE TOWING** (Gonzales, A.) To require only one notice to be sent to a vehicle owner and any known lienholder after a vehicle is towed from a private tow-away zone. (2nd Hearing-Proponent)

Senate Transportation, Commerce & Workforce (Committee Record) (**Chr. LaRose, F., 466-4823**), **South Hearing Rm., 10:15 a.m.**

SB 230 **LICENSE PLATE** (Obhof, L.) To create the "Medina County" license plate. (1st Hearing-All testimony-Possible vote)

SB 61 **PUBLIC TRANSPORTATION** (Skindell, M.) Related to public transportation. (1st Hearing-Sponsor)

SB 101 **EMPLOYMENT PRACTICES** (Skindell, M.) To regulate certain employment practices of formula retail establishment employers, food services establishment employers, and contractors and to require the purchaser of a formula retail establishment or food services establishment to retain certain employees of the establishment on transfer of ownership. (1st Hearing-Sponsor)

- HB 76** **LICENSE PLATES** (Arndt, S., Gavarone, T.) To create the "Ohio National Guard Ohio Cross" license plate and the "Ottawa National Wildlife Refuge" license plate. (2nd Hearing-Proponent)
- HB 10** **CROWDFUNDING** (Arndt, S.) To permit intrastate equity crowdfunding under certain circumstances. (2nd Hearing-Possible amendments & vote)
Senate Rules & Reference (Committee Record) (**Chr. Obhof, L., 466-7505**), **Majority Conf. Rm., 11 a.m.**
House Session (Committee Record) (**Chr. Rosenberger, C., 466-3357**), **House Chamber, 1:30 p.m.**
Senate Session (Committee Record) (**Chr. Obhof, L., 466-4900**), **Senate Chamber, 1:30 p.m.**
House Aging & Long Term Care (Committee Record) (**Chr. Arndt, S., 644-6011**), **Rm. 122, 2:30 p.m. or after session**
- HB 413** **OPERS BENEFITS** (Scherer, G.) Regarding Public Employees Retirement System (PERS) annual cost-of-living adjustments granted to allowance and benefit recipients and PERS service credit for services as a nonteaching school employee of a county board of developmental disabilities. (2nd Hearing-Proponent)
House Federalism & Interstate Relations (Committee Record) (**Chr. Roegner, K., 466-1177**), **Rm. 115, 3 p.m. or after session**
- HB 228** **GUN LAWS** (Johnson, T., LaTourette, S.) To assign to the prosecution the burden of disproving a self-defense or related claim, to expand the locations at which a person has no duty to retreat before using force under both civil and criminal law, and to modify the Concealed Handgun Licensing Law regarding a licensee's duty to keep the licensee's hands in plain sight, the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle, and the posting of warning signs regarding the possession of weapons on specified premises. (2nd Hearing-Possible amendments & substitute)
House Community & Family Advancement (Committee Record) (**Chr. Ginter, T., 466-8022**), **Rm. 114, 3 p.m. or after session**
- HB 340** **PUBLIC ASSISTANCE** (Young, R.) Regarding the release of information concerning public and medical assistance recipients. (5th Hearing-Possible vote)
- HB 64** **RECORD EXPUNGEMENT** (Schuring, K., Reece, A.) To provide for the expungement of official records related to the apprehension, arrest, criminal charging, or trial of a person based on mistaken identity. (6th Hearing-Possible amendments & vote)
- HB 309** **PARENTAL RIGHTS** (Gonzales, A., Rezabek, J.) To generally prohibit a person's blindness from being used to deny or limit custody, parenting time, visitation, adoption, or service as a guardian or foster caregiver, regarding a minor. (4th Hearing-Possible vote)

HB 383 **CHILD CARE** (Carfagna, R.) Regarding parental notice of serious risks to the health or safety of children receiving child care. (3rd Hearing-All testimony)

HB 366 **CHILD SUPPORT** (Gavarone, T.) To make changes to the laws governing child support. (3rd Hearing-Opponent)

Agency Calendar

Veterinary Medical Licensing Board, 77 S. High St., Rm. 1914, Columbus, 8:30 a.m.

Real Estate Commission, 22nd Fl., 77 S. High St., Columbus, 9 a.m.

State Medical Board, 3rd Fl., 30 E. Broad St., Columbus, 9:45 a.m. (Committee meetings begin at 7:30 a.m.)

Casino Control Commission, State Room, Statehouse, Columbus, 10 a.m.

Construction Industry Licensing Board, OCILB Conf. Rm., 6606 Tussing Rd., Reynoldsburg, 10 a.m. (Plumbing Section)

Lake Erie Commission, 2045 Morse Rd., Columbus, 10 a.m.

ABLE Account Advisory Board, 77 S. High St., Rm. 1948, Columbus, 11 a.m.

State Emergency Response Commission, 2855 W. Dublin-Granville Rd., Columbus, 1:15 p.m.

Ethics Commission, 30 West Spring Street, Meeting Room 2 on the second floor, Columbus, 10:30 p.m.

Event Planner

Rep. Bernadine Kent (D-Columbus) fundraiser, Einstein Bros. Bagels, 41 S. High Street, Columbus, 8 a.m., (Sponsor \$1000, Host \$500, Friend \$350 to Kent for Ohio)

Rep. George Lang (R-West Chester Twp.) fundraiser, Due Amici, 67 E. Gay St., Columbus, 11:30 a.m., (Sponsor: \$1,00; Host: \$500; Guest: \$350 to Friends of George Lang)

Rep. Wes Retherford (R-Hamilton) news conference on bill exempting files violating bodily privacy from public record, Harding Senate Press Rm., Statehouse, Columbus, 11:30 a.m.

Rep. Nathan Manning (R-N. Ridgeville) & Sen. Gayle Manning (R-N. Ridgeville) fundraiser, Oliver's, 26 N. High St., Columbus, 5 p.m., (Sponsor: \$250; Attend: \$50 to Nathan Manning for Ohio and Committee to Elect Gayle Manning)

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

© 2017, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.



House Activity for Tuesday, December 12, 2017

INTRODUCED

HJR 6 ■ **TERM LIMITS (Sweeney, M.)** To impose term limits prohibiting a person from holding office longer than eight years in the Ohio Senate, eight years in the Ohio House of Representatives, and more than sixteen years in total in the General Assembly. Proposing to amend Section 2 of Article II and Section 9 of Article V of the Constitution of the State of Ohio

HB 443 ■ **MENTAL HEALTH INSTRUCTION (Sweeney, M.)** To require school district boards of education to incorporate mental health instruction into their health education curricula. Am. 3313.60

HB 444 ■ **FOOD OPERATION FEES (Sweeney, M.)** To require a seasonal food service operation license fee to be one-half of the license fee for a food service operation that is not a seasonal food service operation. Am. 3717.45

HB 445 ■ **LICENSE PLATE (Riedel, C.)** To enact section 4503.734 of the Revised Code to create the "Patrol Supporter" license plate. Am. 4501.21

HB 446 ■ **POWER OF ATTORNEY (Rogers, J., Seitz, B.)** Relative to the acceptance of an acknowledged power of attorney. Am. 1337.261

HB 447 ■ **LICENSE PLATE (Reece, A.)** To create the "Amaranth Grand Chapter Order of the Eastern Star" license plate. Am. 4501.21 and to enact section 4503.765

HB 448 ■ **SIBLING VISITATION (LaTourette, S., Boyd, J.)** To create sibling visitation rights, to make changes to the law regarding sibling placement by a court or agency and sibling relationships when parental rights are terminated, and to extend the sibling relationship beyond adoption. Am. 2151.411, 3107.15, 3109.051, 3109.11, and 3113.31 and to enact sections 3109.18, 3109.181, 3109.182, 3109.183, and 3109.90

HB 449 ■ **SPONSOR RATINGS** (Rogers, J., Patterson, J.) To require the Department of Education to attribute any community school sponsor ratings an entity received during its relationship with a state university board of trustees to that entity even if it no longer has a relationship with the university.
Am. 3314.021

HB 450 ■ **HEALTH BENEFITS** (Antani, N.) To impose review and other requirements on existing health insurance mandated benefits and to establish requirements for the creation of new mandated benefits. Am. 3901.88 and to enact sections 3901.881, 3901.882, 3901.883, 3901.884, 3901.886, 3901.887, and 3901.888

CALENDAR FOR COMING SESSION

SB 6 ■ **BRIDGE PROGRAM** (Hoagland, F.) To extend the Ohio Bridge Partnership Program through the end of fiscal year 2019 and to require the Director of Transportation to submit a report to the Governor, Senate, and House of Representatives recommending ways to continue to fund the program.
Pending committee report

SB 62 ■ **DAY DESIGNATION** (Yuko, K.) To designate July 8 as "Harrison Dillard Day."

SB 134 ■ **ROAD NAMING** (Gardner, R.) To designate a portion of State Route 795 in Wood County as the "Lt Col Thomas P. Belkofer Memorial Highway."
Pending committee report

SB 169 ■ **TRAVEL INSURANCE** (Wilson, S.) To permit the Superintendent of Insurance to act as or select a group-wide supervisor for an internationally active insurance group, regarding delinquency proceedings involving insurer-members of federal home loan banks, and to oversee the sale of travel insurance.

HB 21 ■ **COMMUNITY SCHOOLS** (Hambley, S.) Regarding verification of community school enrollments.

HB 66 ■ **TENURED FACULTY** (Young, R.) To establish the Undergraduate Mission Study Committee to evaluate each state university's efforts to secure participation in the undergraduate mission by the university's tenured faculty members.

HB 104 ■ **CREDIT ACCOUNT DEBT** (Schaffer, T.) To allow vendors to receive a refund of sales tax remitted for bad debts on private label credit accounts when the debt is charged off as uncollectible by the credit account lender.

HB 202 ■ **AWARENESS DAY** (Thompson, A.) To designate the first Saturday of May as "Veterans Suicide Awareness Day."

HB 283 ■ **ADOPTIONS** (Rezabek, J.) To require the juvenile court judge to provide written consent to certain adoptions involving abused, neglected, or dependent children.

HB 291 ■ **GOVERNMENT INSURANCE** (Wiggam, S.) To authorize counties, townships, and municipal corporations to purchase an employee dishonesty and faithful performance of duty insurance policy, instead of a bond, for protection from loss due to the fraudulent or dishonest actions of, and the failure to perform a duty prescribed by law by, an officer, official, employee, or appointee for which a bond is required by law.

HB 307 ■ **MONTH DESIGNATION** (Gonzales, A.) To designate September as "We Card Month."

HB 336 ■ **LICENSE FEES** (Barnes, J., Greenspan, D.) To prohibit the imposition of driver's license and temporary instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee Amnesty Initiative.

HB 338 ■ **SCHOOL BUS DRIVERS** (Ginter, T.) Regarding medical examinations for school bus drivers.

HCR 16 ■ **OIL MARKETS** (Thompson, A.) To urge the Congress of the United States and the President of the United States to take certain actions to counter

manipulation of the oil market by the Organization of Petroleum Exporting Countries (OPEC).

COMMITTEE HEARINGS

Ways & Means

HB 337 **COLLEGE TEXTBOOKS (Duffey, M.)** To exempt from sales and use tax textbooks purchased by post-secondary students. (**CONTINUED**; 2nd Hearing-Proponent)

Several representatives of faculty and student groups spoke in support of the measure. Beth Quitslund, associate professor of English at Ohio University and vice chair of the Ohio Faculty Council, which represents the faculty at all of the four-year public universities in the state, said a conservative estimation of several cost-saving measures proposed by OFC, including the tax exemption proposed in the bill, would result in annual savings of \$300 million in textbook costs to college students in Ohio.

The witness said textbook cost increases have greatly outpaced inflation - by four times - since 2006 and by 945% since 1978, resulting in "a significant impact on higher education costs."

"Student concerns about textbook costs have a direct impact on academic success. A 2017 survey of more than 1,000 students from four-year colleges in the US and Canada found that 85% had delayed or avoided purchasing textbooks for their courses even though half did so expecting that their grades would be negatively impacted by their decision," she said.

Ms. Quitslund said states that currently exempt textbooks from sales taxes are: Arizona, Connecticut, Florida, Hawaii, Iowa, Kentucky, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, North Dakota, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, and West Virginia.

"We strongly support the exempting of textbooks from Ohio's state sales tax and see that change as being an important means of making it easier for students at Ohio's public institutions of higher education to obtain a high-quality education at an affordable price," she said.

Daniel Palmer, chief justice of Wright State University's Student Government Association, and the executive director of the Ohio Student Government Association, reiterated some of the statistics cited by the prior witness as well as the concerns about the financial impacts on students.

"These steep price increases have directly impacted students in a negative manner, making the cost of obtaining an education even more expensive, and unrealistic for many students," he said. "Eliminating the sales tax on textbooks will make the cost of obtaining an education much more affordable and prove to be beneficial to the hundreds of thousands of students in Ohio."

Mr. Palmer said the bill would provide nearly instant relief to students. "Collectively, students spend between \$455 million and \$563 million on textbooks in Ohio annually," he said.

"Making college textbooks tax-exempt would benefit students' pocketbooks between \$23 million and \$26.2 million each year."

Rep. John Rogers (D-Mentor-on-the Lake) asked about the potential for leasing books. The witness noted that in some cases students have to buy online codes to get access to course materials - a factor that adds to the cost burdens.

Kate Greer, director of academic affairs in the Undergraduate Student Government at Ohio State University, said the average student at OSU spends about \$1,200 per year on textbooks and learning materials. The annual expense is on top of costs related to tuition, fees, and room-and-board expenses, she said.

"According to the Student Public Interest Research Group, \$1,200 is also the national average amount spent on supplemental learning materials. While students often receive various forms of financial aid to help alleviate basic costs of university life, they typically pay for textbooks with money from their own pockets, an expenditure that leaves student struggling to afford day-to-day necessities - eating, laundry, and school supplies, to name a few," she said.

Rep. Derek Merrin (R-Maumee), citing issues with being able to access required textbooks, said institutions should strive to make them more available in libraries.

Liz Webb, an OSU freshman and member of USG, also testified in support, prompting a question from **Rep. Gary Scherer** (R-Circleville) about problems with professors requiring certain editions of textbooks that sometimes cost much more than prior versions.

The witness said she has purchased the wrong textbook edition but her professor said it was usable and was willing to work with her on updated materials. Having the proper edition may be more beneficial in some circumstances involving more technical subject matter that requires more frequent updates, she said.

Julia Dennen, representing the Undergraduate General Assembly, also spoke to the burden of extensive student loans and other financial challenges.

Submitting written testimony in support were: Richard Hershman, of the National Association of College Stores, Dan Kane, of the Ohio Faculty Council, and C. Todd Jones, of the Association of Independent Colleges and Universities.

HB 343 **PROPERTY VALUES (Merrin, D.)** To require local governments that contest property values to formally pass an authorizing resolution for each contest and to notify property owners. **(CONTINUED-AMENDED; 5th Hearing-Possible amendments)**

Rep. Merrin, the bill sponsor, won support for a multi-faceted amendment that includes several changes he outlined in the committee's prior hearing.

The components of the amendment: base requirements in the bill on ownership of parcels versus individual parcels; allow for notices to be sent via regular or certified mail; clarify that if an owner is misidentified in a complaint then it can't be dismissed as having a "fatal flaw"; and clarify that municipality complaints require approval of the city's legislative body.

Written testimony was submitted by Hamilton County Recorder Norbert Nadel, a proponent, and Cuyahoga County Board of Revision Administrator Shelley Davis, an interested party.

"House Bill 343 provides fairness and transparency by requiring proper notification to property owners before a property tax complaint is filed with the Board of Revision to raise property values," Mr. Nadel wrote. "Elected school board members should be held accountable for attempting to raise property taxes, not just their attorney."

Ms. Davis outlined what she described as several "obstacles" the bill presents for county BORs.

"I respectfully ask that this committee consider the impact to the County Auditors and the additional burden placed on the Boards of Revision in all 88 counties," she wrote.

HB 371 **PROPERTY TAX (Merrin, D.)** To exempt from property taxation the increased value of land subdivided for residential development until construction commences or the land is sold. (**CONTINUED-AMENDED (No testimony)**; 5th Hearing-Possible amendments)

Rep. Merrin amended the bill with language that he said: places 10-year cap on the exemptions; clarifies that the frozen property value is based on "fair market value" as determined by county auditors and not current agricultural use value; replaces wording to describe unexempted value versus ascribed value; adds an LSC technical change; and states that nothing in the bill should be construed to run counter to normal appraisal principles.

Rep. Michael Henne (R-Clayton) asked whether using market value was sufficient and whether the exemption should be pegged to an "unplotted land" value. The sponsor said he had worked with LSC on the language and was comfortable with the legalities involved.

Financial Institutions, Housing & Urban Development

HB 353 **UNCLAIMED FUNDS (Reineke, B.)** To exempt certain open-loop prepaid cards, closed-loop prepaid cards, and rewards cards from the Unclaimed Funds Law. (**REPORTED-SUBSTITUTE**; 5th Hearing-All testimony-Possible amendments & vote)

The committee voted unanimously to report the bill after accepting a substitute version that **Rep. Bill Reineke** (R-Tiffin) said made clarifying changes. One change was made at the request of the Department of Commerce to ensure gift cards could not be redeemed for cash. (**Comp Doc**)

HB 182 **DEBT ADJUSTING (Seitz, B.)** Regarding debt adjusting. (**CONTINUED-SUBSTITUTE (See separate story)**; 4th Hearing-All testimony-Possible substitute & vote)

HB 386 **CREDIT FREEZES (Henne, M., Kelly, B.)** To modify the fees that a credit reporting agency can charge in relation to a credit report freeze. (**CONTINUED**; 3rd Hearing-All testimony)

Kalitha Williams, policy liaison for asset building at Policy Matters Ohio, said eliminating the fees for freezing and unfreezing credit reports would help protect consumers from identity theft.

Freezing a credit report, she said, is the best way to protect victims of security breaches by making it difficult for others to open credit accounts, get jobs, cars or housing in the victim's name.

"Consumers should have control over the credit reports without paying excessive fees," she said. "While victims of identity theft can freeze their credit report for free, the current statute

allows each credit bureau to charge Ohioans up to \$5 for each action (freeze, temporary unfreeze, and permanent unfreeze)."

Credit bureaus should not be allowed to profit from consumers freezing credit after data breaches for which they are responsible, she said.

Ms. Williams said she supported a proposed amendment that would ensure consumers can request freezes by mail, telephone or secured email.

"The current statute requires consumers to make the requests through certified mail," she said. "We believe this is an unnecessary burden on consumers and none of the major credit bureaus require this."

Jim Davee, a victim of identity theft, said being a victim meant he was able to freeze and unfreeze his credit without having to pay a fee.

"In 2012 under Ohio law, I could freeze and unfreeze my credit history at no cost for the rest of my life, but only because I was already a victim," he said.

Credit agencies should be held responsible for their data breaches and that consumers should have the ability to protect their data easily, he said.

"The information being collected by these agencies that makes up my credit history is mine and mine alone, generated when I engage in consumer activity," he said. "I don't do business with any of the three agencies, I have no contract or agreement with them, yet they have my credit history and are allowed by the laws of Ohio to let me protect it at no cost only after I've been victimized."

Rep. Andy Brenner (R-Powell) said he was concerned someone else could maliciously freeze a person's credit.

Mr. Davee said he wasn't concerned with that because the credit bureaus issue unique identification numbers and notify people of freezing and unfreezing activity.

HB 390 **FORCIBLE ENTRY (Merrin, D.)** To clarify how to calculate certain timelines under which a forcible entry and detainer action must occur. (CONTINUED; 3rd Hearing-Opponent)

Joe Maskovyak, affordable and fair housing coordinator for the Coalition on Homelessness and Housing in Ohio, said the proposal could lead to more evictions being filed, causing more homelessness and housing insecurity.

He pointed to court decisions that have said the state should exclude weekends from the three-day count for an eviction because the purpose of the rule is to give tenants a chance to leave the premises without an eviction action filed.

"Certainty can be provided. The bill could make explicit that intervening weekends and holidays shall not be counted," he said. "This approach provides certainty as well as fulfilling the purpose of the notice: to allow the tenant time to avoid an eviction action being filed."

Chairman **Rep. Jonathan Dever** (R-Cincinnati) said the three-day notice would be for the tenant to pay their rent, not to vacate the property, as the landlord would then have to file the eviction and a judge would set the eviction date.

Mr. Maskovyak said the third day would be the deadline for when the tenant could leave before an eviction notice is filed, not before they would be forced out.

Rep. Dever said the bill would provide clarity as to what constitutes a day.

Mr. Maskovyak said clarity could be provided by having a bill that excludes weekends and holidays instead of including them.

Rep. Scott Wiggam (R-Wooster) asked if the concerns were just about giving tenants more time to avoid paying rent.

Mr. Maskovyak said it would give tenants more time to make a good decision.

"A landlord can damage a tenant by filing an eviction action that has no basis in fact," he said.

Rep. Wiggam said the proposal would ask others to pay more for rent to cover the costs of those who choose not to pay rent.

Finance

HB 281

BROADBAND EXPANSION (**Carfagna, R.**) To establish the residential broadband expansion program within the Development Services Agency to award matching grants for last mile broadband expansion in municipal corporations and townships and to make an appropriation. (**CONTINUED-SUBSTITUTE (See separate story)**; 3rd Hearing-All testimony-Possible substitute)

HB 3

DATAOHIO BOARD (**Duffey, M., Hagan, C.**) To create the DataOhio Board, to specify requirements for posting public records online, to require the Auditor of State to adopt rules regarding a uniform accounting system for public offices, to establish an online catalog of public data at data.Ohio.gov, to establish the Local Government Information Exchange Grant Program, and to make appropriations. (**REPORTED (No testimony)**; 3rd Hearing-All testimony-Possible vote)

HB 102

SCHOOL FUNDING (**Brenner, A.**) To replace locally levied school district property taxes with a statewide property tax and require recipients of certain tax exemptions to reimburse the state for such levy revenue lost due to those exemptions; to increase the state sales and use tax rates and allocate additional revenue to state education purposes; to repeal school district income taxes; to require the Treasurer of State to issue general obligation bonds to refund certain school district debt obligations; to create a new system of funding schools where the state pays a specified amount per student that each student may use to attend the public or chartered nonpublic school of the student's choice, without the requirement of a local contribution; to eliminate the School Facilities Commission; to eliminate the Educational Choice Scholarship Pilot Program, Pilot Project Scholarship Program, Autism Scholarship Program, and Jon Peterson Special Needs Scholarship Program; to eliminate interdistrict open enrollment; to require educational service centers to transport students on a countywide basis; and to permit school districts to enter into a memorandum of understanding for one district to manage another. (**CONTINUED**; 2nd Hearing-Proponent)

Ron Adler, president of the Ohio Coalition for Quality Education, said the bill will modernize school busing in the state by creating countywide transportation districts led by the state's 52 Educational Service Centers.

"It's been 50 years since the Ohio legislature passed the Fair Bus Bill. Since then, with more than 600 school districts, 376 community schools and hundreds of private schools, transporting students efficiently and safely has become more and more difficult," he said.

Currently, there is a "turf war" related to busing because school districts must provide transportation for students who attend charter and private schools, Mr. Adler said. Removing the responsibility from traditional schools could lessen the divide.

"It has the potential to create a system that would correct many of today's transportation problems. Ohio students and their parents deserve that," he said.

The bill will also benefit Ohioans by removing the reliance on property taxes to fund education, which has led to inequities in education across the state, said education policy analyst Beth Lear.

"HB102 reopens a conversation that is desperately needed. Fixed income home owners are finding it more and more difficult to remain in their homes as their property taxes skyrocket and home values have started climbing again," she said, adding that the Ohio property taxes have increase 264% on average since 1980, despite stagnant wages.

Under the bill, education would be funded through a 1.6% increase in the state sales tax. A constitutional amendment that would have to be approved by voters could ensure that the revenue would be sent to schools.

Rep. Dan Ramos (D-Lorain) said he's worried that increasing the sales tax will disproportionately impact low-income Ohioans and in particular those who rent or live in subsidized housing and don't pay property taxes.

"It might end up making the poor poorer which would affect educational outcomes," he said.

Ms. Lear said those who do pay property taxes will likely see a decrease in taxes or will pay an equivalent amount of taxes after the proposed sales tax takes over covering education costs. It's also possible rental rates would steady because owners wouldn't be paying as much in property taxes, she said.

Rep. John Patterson (D-Jefferson) also raised concerns about increasing the sales tax, saying border counties are already losing business to other states with lower rates.

Meanwhile, **Rep. Mike Duffey** (R-Worthington) said he's leery of language that prohibits districts from collecting any property taxes.

"I do not see how that could possibly actually occur in real life because what will happen is that districts will raise money privately," he said, suggesting that residents who want to support their district will give to education associations and other non-profit groups associated with the school.

Douglas Mead, director for the Toledo School for the Arts, and Thomas Babb, CFO and founding member of Constellation Schools, said they're supportive of the measure because base state funding would be allocated to any school a student chooses to attend.

Currently, charter schools often receive less per-pupil funding than traditional schools and can't go to voters for a levy, Mr. Babb said. His own schools receive half the amount of funding as surrounding traditional schools.

"Unless we receive a serious increase in our funding, we will continue to struggle to provide the education that our children deserve," he said.

HB 378 **BROADBAND GRANTS (Smith, R., Cera, J.)** To create the Ohio Broadband Development Grant Program and to make an appropriation. (CONTINUED (See separate story); 2nd Hearing-Proponent)

State & Local Government

HB 359 **STATE FLAG (Stein, D.)** To create a suggested ceremonial procedure for retiring an Ohio state flag. (REPORTED; 3rd Hearing-All testimony-Possible vote)

Brandon Tolle, a sophomore at Lorain County's Columbia High School, testified in support. A member of Boy Scout Troop 176, Mr. Tolle said he was promoting the bill as part of his Eagle project.

"This bill is important because it gives ceremonial guidelines for retiring our state flag," he told the panel. "Through this bill, the Ohio State flag will be able to be properly and officially retired. This bill will give Ohio something that many other states already have, and it allows the average person to respectfully retire the flag that represents not only them, but the great state we live in."

Mr. Tolle said he has participated in flag retirement ceremonies where the Ohio burgee was retired after a few words were said.

HB 370 **STATE SEAL (Perales, R.)** To add a representation of the Wright Brothers' first piloted airplane to the Coat of Arms and Great Seal of the State of Ohio. (REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)

Tory Richardson, president of the Ohio Aviation Association, submitted written testimony in support.

HB 415 **ROAD IMPROVEMENTS (Greenspan, D., Ryan, S.)** To allocate one-half of any surplus revenue to a new Local Government Road Improvement Fund, from which money will be distributed directly to local governments to fund road improvements. (CONTINUED; 2nd Hearing-All testimony)

Heidi Fought of the Ohio Township Association and Dean Ringle of the County Engineers Association of Ohio each testified in support.

Ms. Fought said the measure would provide additional funding for local government roadwork, noting that the number of people living in rural areas, and the resulting traffic, has increased significantly in the last 50 years.

"While traffic on township roads has increased, revenue for transportation improvements has remained stagnant, reduced or even eliminated," she said. "For townships, this includes the reductions in Local Government Fund revenue, the elimination of the estate tax in 2013 and the accelerated phase out of Tangible Personal Property tax and electric deregulation reimbursements."

"Additional money is imperative for townships to sufficiently maintain and service safe roadways for their residents and the countless individuals that travel on them," Ms. Fought added.

Mr. Ringle said the bill would help generate funds for local governments that face "big financial hurdles that are impeding them from repairing faulty bridges, maintaining roads,

building new transit lines and simply maintaining the existing infrastructure so it remains safe and efficient."

He said the bill boosts local infrastructure revenue without raising taxes or fees, helps align the financial interests of the state and local governments, boosts potential job development and economic growth and establishes a recurring return on investment.

"One of the most attractive benefits of public investments in transportation infrastructure is it creates tangible capital assets that are long-lived," he said. "In addition to creating jobs and generating tax revenues throughout the economy during the construction cycle, these investments provide infrastructure improvements that foster and facilitate continuing economic growth over many years beyond the initial investment.

Brad Cole of the County Commissioners' Association of Ohio also offered written proponent testimony.

HB 298 **SICK DAYS (Merrin, D.)** To make changes with respect to the number of sick days provided to public employees. (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Derek Merrin (R-Maumee) said his bill would eliminate a state mandate that requires local government officials to receive 15 sick days per year, lowering that number to ten days, which matches benefits provided to state employees.

"All state employees receive 10 sick days per year, while many local government employees receive an excessive 15 sick days per year (3 weeks)," the lawmaker said. "This legislation makes 10 sick days per year the standard across the board, which would affect county, municipal, civil service township, school district, and university employees."

The change, he said, would create equality among state and local government employees and includes provisions that block collective bargaining agreements from requiring more than ten sick days.

The sponsor said the 15-day allowance boosts local government operating costs, and said the cost is driven largely by overtime costs that local governments pay workers who come in to substitute for people who take sick time.

"You will be hard pressed to find any private-sector business that provides 15 sick days annually," he added. "Many Ohioans working in the private sector are not provided a single sick day. However, they are forced to have their taxes pay for government employees to have 15 sick days annually. Is that fair to the average hard working Ohioan? I think not."

Mr. Merrin told Chair **Rep. Marlene Anielski** (R-Walton Hills) he expects the bill would save tens of millions of dollars on a statewide basis.

Rep. Mike Ashford (D-Toledo) said he would like to see data to support the sponsor's theories on sick time, including information that shows if there has been any abuse of sick leave.

Mr. Merrin said performance audits issued by the state auditor's office have flagged concerns about sick time usage, but the state law established in the 1940s blocks local officials from making significant changes.

He said local governments are even unable to consider sick time as personal time. "All we're trying to do is lessen the mandate," he said.

Responding to Rep. Janine Boyd (D-Cleveland Hts.), Mr. Merrin said he has heard opposition about the bill from local government employees. He said local government managers have suggested that the proposal would be helpful.

Ms. Boyd also asked how the bill would affect local employees who have chronic and debilitating health issues.

Mr. Merrin responded that state employees - including legislative staff - currently receive 10 sick days. Suggesting that ten days isn't enough, he said, suggests that the state benefits package is unfair.

Rep. John Becker (R-Union Twp.) questioned whether a move to a more general paid time off standard would be more helpful.

Rep. Merrin said that is ultimately likely where the policy should go.

HB 146 DEATH CERTIFICATES (Householder, L.) To allow a coroner to change the cause, manner, and mode of death in a filed death certificate only after a hearing in the court of common pleas. (**CONTINUED-AMENDED (No testimony)**; 3rd Hearing-All testimony-Possible amendments)

Rep. Steve Hambley (R-Brunswick) won support for an amendment that requires common pleas courts to notify county prosecutors and a decedent's next of kin if a hearing has been set to change the cause of death. The amendment also allows a change in the cause of death once within eight weeks after the death.

Education & Career Readiness

HB 108 FINANCIAL LITERACY (Hagan, C. McColley, R.) To require one-half unit of financial literacy in the high school curriculum, to require the Chancellor of Higher Education to prepare an informed student document for each institution of higher education, to require the State Board of Education to include information on the informed student document in the standards and model curricula it creates for financial literacy and entrepreneurship, and to entitle the act the "Informed Student Document Act." (**CONTINUED-AMENDED**; 4th Hearing-All testimony-Possible amendments)

The committee accepted an amendment that Rep. Christina Hagan (R-Alliance) said creates standard definitions of full-time students, protects institutions from liabilities related to the informed student document and removes redundancies of reports.

Another amendment added to the bill encourages completion of the FAFSA at the completion of the course, she said. The change was proposed by the attorney general's office.

Robert O'Donnell, a business education teacher and president-elect of the Ohio Business Teachers Association, said there are 2,000 students in his school and just 60 signed up for an elective financial literacy course this year.

The class is important, however, which is why he believes it should be mandatory, he said in written testimony.

"Students do not like to take courses which will take a lot of work as an elective such as business courses. They want a course which is an easy A. An example may be weightlifting, fitness walking and pottery," he said. "Our students also have an option called 'senior

options.' This means if a student has the required credits for graduation, they can come to school late and sleep in or leave school early."

Mr. O'Donnell said most students in his class said when beginning the semester they were not informed about interest rates, credit scores, obtaining insurance, payday lending and more.

HB 377 **SEXUAL ABUSE (Hagan, C., Ramos, D.)** With respect to age-appropriate student instruction in child sexual abuse and sexual violence prevention and in-service staff training in child sexual abuse prevention. (**CONTINUED**; 2nd Hearing-Sponsor & proponent)

Rep. Christina Hagan (R-Alliance) said the bill honors Erin Merryn, who was the victim of sexual abuse when she was a child and has since shared her story across the nation. She has pushed to ensure children are made aware of inappropriate behavior and abuse as well as who they should turn to for help, Rep. Hagan said. Under the legislation, schools would be able to provide age-appropriate instruction on sexual abuse prevention in grades K-6.

"In light of sexual violence that occurs at all ages and in cases, as recent to Ohio as the 2012 Steubenville High School rape case, students need resources to prevent such from reoccurring and also need to know there are resources available to help those whom have become the victims of sexual assault," she said. "This information is important because survivors are often discouraged from reporting sex crimes because of a lack for perceived support or fear of ridicule."

The bill has become law in 20 other states, Rep. Hagan added.

Rep. Kyle Koehler (R-Springfield) asked for examples of what the youngest children in schools would be taught about abuse. The sponsor said the Department of Education would create curriculum that schools would adopt and parents would be able to view before the lessons begin.

She told **Rep. Catherine Ingram** (D-Cincinnati) that the bill does not include an opt-out provision because it's possible parents who are abusers could refuse to allow their children to attend the classes.

Khadijah Ali, president of the Exchange Club of Dayton, said she and her siblings were abused at a young age and it wasn't until she was older that she became aware of services and supports available to them.

"It is critical that children understand that they have resources and people they can trust with whom they can share information before adolescence, as we know that adolescents are unlikely to share information of this nature," she said.

"Schools may be the only venue to reach the majority of the most vulnerable children," Ms. Ali continued. "That is why it is essential that schools can be pro-active with this legislation. The state already recognizes their obligation to help children understand the other aspects of health, and this may be the most critical of these issues if not addressed."

Becky Perkins, communications director with the Ohio Alliance to End Sexual Violence, said while there are outward signs of abuse, it's often not easy to tell if a student is being abused. That's why it's important that they learn what's not acceptable and who to confide in, she said.

"Child victims are typically groomed by their perpetrators and made to feel that the abuse is their fault and that they deserved it," she said. "Some children are made to feel that the abuse is not abuse at all - that it's normal, healthy behavior between an adult and child. As a result, child victims very often feel too confused or ashamed to tell anyone, they feel that no one will believe them, or they fear getting in trouble or causing turmoil by telling." One in four girls and one in six boys is sexually abused before their 18th birthdays, Ms. Perkins added. Each year, more than 500 reports of sexual abuse are substantiated in Ohio, however just 62% of children tell anyone about the crimes against them. Sally Dyer, who also endured sexual abuse as a child, said there is an array of impacts from abuse if left alone. Her sister, who was also abused, committed suicide later in life because of mental and emotional damage caused by her abuser, Ms. Dyer said. Action Ohio Coalition for Battered Women and OffenderWatch Initiative provided written testimony in support of the legislation.

HB 246 **CLASSROOM FACILITIES (Bocchieri, J., Rezabek, J.)** To require the Ohio School Facilities Commission to provide funding to certain county boards of developmental disabilities to assist in the acquisition of classroom facilities. (CONTINUED-SUBSTITUTE; 2nd Hearing-Proponent-Possible substitute)

The committee accepted a substitute measure that **Rep. John Bocchieri** (D-Poland) said, among other things, would: clarify that only K-12 programs will be available for funding; details ranking for assistance and local match based on ranking; specifies that at least one DD facility will receive funding each year; and retains the maintenance payment of 1.5% of current insurance value of facilities required by OFCC for DD boards accepting funds.

(Comparison Document)

None of the 45 counties in the state operating school programs for students with developmental disabilities are eligible for Ohio Facilities Construction Commission funding, despite providing services and supervision for students in the same way traditional programs do, said Bridget Gargan, the executive director of the Ohio Association of County Boards of Developmental Disabilities.

Under the bill, OFCC would have to set aside 2% of its classroom facilities funds for school programs operated by county developmental disability boards.

"County boards of developmental disabilities are unique among Ohio's public human services agencies and schools in that they are responsible for supporting people in every stage of their lives. No other agency or school has this lifetime requirement," Ms. Gargan said. "Because of this, county boards need to ensure that they are always maximizing available funds and using their limited resources in the most efficient and effective manner."

Bill Whitacre, superintendent of the Mahoning County Board of Developmental Disabilities, said the funds could be used to renovate facilities to make them safer or update technology that's become available in recent years to better help developmentally disabled children learn.

"These funds would allow every county board that operates a school to enhance the education of the children in their county, thus promoting a more well-rounded educational experience for all students," he said in written testimony.

Jo Spargo, vice chair of the Ohio Developmental Disabilities Council, also asked the committee to advance the measure.

"The DD council acknowledges that many families have advocated for classrooms that are fully inclusive of children with developmental disabilities. The council also recognizes there are families who feel they need to send their child to a specialized school operated by their county board of developmental disabilities in order to ensure their care," she said in provided testimony.

"For those families who have chosen a county board operated school, they deserve access to top notch classroom facilities that children who are attending other public schools have. However, current law does not recognize that county boards of developmental disabilities schools are in fact education facilities eligible for financial support from the Ohio Facilities Construction Commission."

HB 360 **BULLYING (Greenspan, D.)** To enact the "Ohio Anti-Bullying and Hazing Act" with regard to school discipline and bullying and hazing policies at public schools and public colleges. (**CONTINUED**; 3rd Hearing-Opponent & interested party)

Nicole Clum, with the Ohio public defender's office, shared concerns that the bill "will further contribute to the school- to- prison pipeline that is currently plaguing Ohio's youth."

"All too often children who struggle with their behavior are pushed from the school into the criminal justice system before they have a chance to mature into successful adults," she said.

The bill may do just that because it could result in students being suspended from school if they're bullying others, she said. On the first offense, students can receive in-school suspension for up to 10 days.

"A youth who is acting out is likely suffering from personal issues of their own. A better approach would be to address the underlying issues causing that child's behavior, educate that child about bullying, speak to their guardian, or consider counseling for that child," Ms. Clum said.

Other concerns with the bill are related to provisions that require schools to investigate bullying - but not find culpability beyond a reasonable doubt before imposing punishments - and increase criminal penalties for hazing.

Ron Adler, president of the Ohio Coalition for Quality Education, described the legislation as "overly burdensome" for charter schools, where students often enroll to escape bullying. The bill, he said, places a handful of requirements on schools that would cost them time and money. Among them are those requiring schools to investigate complaints and provide guidance counselors.

"HB360, while clearly intended to help victims and limit harassment, is not affordable for charter schools and I suspect it will not be affordable for traditional districts either," he said. Instead of focusing on punitive and investigatory routes, Erin Davies, executive director of the Juvenile Justice Coalition, said research shows bullying may be best dealt with through prevention initiatives.

"HB360 in its current form relies on more punitive measures - including out-of-school suspensions and expulsions and higher offense levels for hazing - that actually may raise tensions in schools and further a cycle of negative behaviors," she said.

"Instead, we believe that any bill addressing bullying should focus on how to create a positive school climate that provides more support for students and builds leadership and relationships between students and adults - all of which align with adolescent development research on what works effectively to reduce bullying."

Criminal Justice

HB 405 **COUNTERFEITING (Perales, R.)** To create the offense of counterfeiting and to include counterfeiting within the definition of "corrupt activity" under the Corrupt Activities Law. **(CONTINUED; 2nd Hearing-Proponent)**

Mike Weinman, director of government affairs for the Fraternal Order of Police of Ohio, said the legislation addresses ambiguity in current law.

"From a patrol officer's perspective current law is difficult to apply when called out to a convenience store on a report of an individual trying to pass counterfeit currency," he said. "It isn't any easier for detectives when working cases that become complicated because of the myriad of laws that may apply."

Brandon Standley of the Bellefontaine Police Department echoed those sentiments.

The bill "will make it easier and less confusing for local law enforcement agencies to pursue counterfeiting charges against those who are perpetrating such crimes without necessarily needing to coordinate with the United States Secret Service. By passing this legislation, agencies across Ohio will benefit by being able to simplify local charges and pursue criminal enterprises more effectively," the current president of the Ohio Association of Chiefs of Police said in written testimony.

Mr. Standley said counterfeiting is on the rise with increased drug use in the state.

"This is made possible by criminals simply purchasing color printers and good paper, then making fake bills to spread into the local economy," he said. "These bills, if not all collected simultaneously, then spread across transactions. This then makes it harder and harder to protect our communities of such a scheme. Each time a fake bill passes through, the number of victims increases."

Kevin Dye, resident agent in charge of Dayton's Secret Service Office, said in the past year, 85% of counterfeiting cases have been connected to the drug trade.

Rep. Bernadine Kent (D-Columbus) asked if the use of debit and credit cards has reduced counterfeit activity.

"Counterfeiting as a whole has gone up dramatically," he responded.

HB 423 **MASKED INTIMIDATION (Lang, G., Seitz, B.)** To create the crime of masked intimidation, a misdemeanor of the first degree. **(CONTINUED; 1st Hearing-All testimony)**

Sponsoring **Rep. George Lang** (R-West Chester Twp.) said the legislation is in response to recent protests involving participants wearing masks. He said because people have their face concealed, it is difficult to hold those who cause disruptions accountable.

"A few months ago, Butler County Sheriff Richard Jones reached out with concerns that if demonstrators are wearing masks it becomes difficult for law enforcement to identify who initiated the unrest. After speaking with the Sheriff, we instructed LSC to research this issue. LSC found that currently, Ohio prohibits the commission of a crime when wearing a mask by providing a penalty enhancement," he said.

The legislation would provide the same penalty enhancement for those wearing masks that purposely obstruct law enforcement, intimidate someone performing a legal duty or prevent someone from exercising their constitutional rights.

"This, in turn, would allow law enforcement to do their job, and keep everyone safe before demonstrations devolve into violent confrontations. Similar laws have already been passed in 11 other states and the District of Columbia, and this legislation is virtually verbatim of the law in Massachusetts," he said.

In response to a question from Rep. Dorothy Pelanda (R-Marysville), Rep. Bill Seitz (R-Cincinnati), a co-sponsor of the bill, said the measure is designed to allow police to defuse tense situations like the one that cropped up in Charlottesville this summer.

SB 4 **HUMAN TRAFFICKING** (Kunze, S., Oelslager, S.) To allow a person who is found not guilty of an offense or who is the defendant named in a dismissed criminal charge to apply for a court order to expunge the person's official records in the case if the charge or not guilty finding was the result of the applicant having been a human trafficking victim, to allow a person convicted of certain prostitution-related offenses to apply for the expungement of the conviction record of any offense, other than a specified disqualifying offense, the person's participation in which was a result of having been a human trafficking victim, and to allow intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. (CONTINUED (See separate story); 3rd Hearing-All testimony-Possible substitute & vote)

HB 389 **DEATH PENALTY** (Antonio, N.) To abolish the death penalty. (CONTINUED; 1st Hearing-Sponsor)

Sponsoring Rep. Nickie Antonio (D-Lakewood) said much has changed since the last time she testified in support of abolishing the death penalty, including the resumption of executions in Ohio.

"No execution brings back a loved one, and we as a society must be better than our worst criminals and our flawed system. I join a growing call to end the death penalty in our state," she said.

Rep. Antonio also highlighted racial and geographic bias in the application of the death penalty in Ohio.

She also noted that since 1976, nine men have been exonerated from death row in Ohio.

"On average, the men exonerated from Ohio's Death Row spent over 21 years wrongfully imprisoned. Three of those exonerations happened in 2014," she said.

HB 56 **HUMAN TRAFFICKING** (Dever, J., Gavarone, T.) To permit a person who is found not guilty or is the defendant in a dismissed case to apply for an

expungement of the person's records in the case if the complaint, indictment, or finding of not guilty resulted from the applicant having been a victim of human trafficking, to permit a person convicted of certain prostitution-related offenses to apply for the expungement of any record of conviction of an offense, with certain exceptions, if the person's participation in the offense was a result of having been a victim of human trafficking, and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. (**SCHEDULED BUT NOT HEARD**; 3rd Hearing-All testimony-Possible substitute & vote)

HB 276

UTILITY WORKERS (Rezabek, J., Greenspan, D.) To expand the offense of aggravated menacing to prohibit threatening a utility worker with intent to obstruct the operation of a utility. (**CONTINUED-SUBSTITUTE**; 3rd Hearing-All testimony-Possible substitute)

In written proponent testimony, American Municipal Power and the Ohio Municipal Electric Association said the measure "seeks to protect utility workers serving the front lines of our nation's critical infrastructure and facing a dangerous work environment in order to sustain our modern society."

"Utility workers are often in direct contact with the public and have one of the most dangerous and unrecognized jobs there is today," they wrote. "In particular, electrical line workers often confront inclement weather, energized lines that are down, fire hazards, national security threats, and all manner of unfriendly circumstances associated with the disconnection of service for non-payment."

A substitute version of the bill offered by Rep. Jeff Rezabek (R-Clayton) was accepted. It adds a provision related to the use of deadly weapons, removes an enhancement to a fourth-degree felony menacing and provides additional clarifying definitions. (**Comp doc**)

HB 365

PAROLE MONITORING (Hughes, J., Boggs, K.) To provide for indefinite prison terms for first or second degree felonies and specified third degree felonies, with presumptive release of offenders sentenced to such a term at the end of the minimum term; to generally allow the Department of Rehabilitation and Correction to reduce the minimum term for exceptional conduct or adjustment to incarceration; to allow the Department to rebut the release presumption and keep the offender in prison up to the maximum term if it makes specified findings; to require the Department to establish a reentry program for all offenders released from prison who it intends to have reside in a halfway house or similar facility but who are not accepted by any such facility; to require the Adult Parole Authority to establish maximum work-load and case-load standards for its parole and field officers and have enough trained officers to comply with the standards; to require that GPS monitoring used for offenders released from prison under such monitoring specify restrictions, including inclusionary zones and necessary exclusionary zones; to require the Department to establish system requirements for GPS monitoring of such offenders by the Department or third-party contract administrators; to require the Department to operate a statewide database for

law enforcement use containing specified information about such offenders; to require that third-party administrators for GPS monitoring under a new contract with the Department provide and use a law enforcement-accessible crime scene correlation program; and to name the act's provisions the **Reagan-Tokes Act**. (CONTINUED: 4th Hearing-All testimony)

William Parker of American Court Services said GPS devices are meaningless without specific guidelines.

"The fundamental misconception about GPS devices is that once attached to a defendant's ankle, the people tasked with monitoring the individual will know the defendant's location at every moment and what the defendant is doing," he said.

"Put another way, there is a wide-spread belief that some authority is continuously watching the whereabouts and movements of a defendant wearing a GPS ankle monitor. Nothing could be farther from the truth. It is not the practice, nor is it practical for a probation or parole officer to continuously 'watch' with eyes glued to a computer screen 24-hours a day, seven days a week every defendant placed on an ankle monitor."

Effective restrictions, he said, include curfews, inclusion zones, exclusion zones and schedules.

"A GPS ankle monitor will not alert authorities unless it detects a curfew violation, non-compliance with a work or school schedule or that the defendant has traveled into a geographical area from which he or she been ordered to avoid," he said. "It is my belief that when courts impose appropriate restrictive behaviors it enhances our ability to effectively monitor defendants placed on electronic devices."

Rep. Nicholas Celebrezze (D-Parma) questioned how quickly such parameters can be changed.

Mr. Parker said that can be done almost instantly.

Rep. Laura Lanese (R-Grove City) asked what happens when a protocol is breached by someone being monitored.

That varies by jurisdiction, Mr. Parker said.

Lisa Defendiefer, deputy director of operations and advocacy for Capital Crossroads and Discovery Special Improvement Districts, said the measure will help to improve many current problems with the criminal justice system.

"Our state's rehabilitation and corrections system currently provides inadequate or non-existent reentry programs to violent offenders transitioning back to our communities and, as I understand, little or no proactive GPS monitoring," she said. "As a result, the offenders and our communities are set up for failure."

HB 96

SEX OFFENSES (Hughes, J.) To increase the penalty for sexual imposition when the offender previously has been convicted or pleaded guilty three or more times of any of several specified sex offenses and to repeal the corroboration requirement for a sexual imposition conviction. (CONTINUED-SUBSTITUTE; 3rd Hearing-All testimony-Possible substitute; amendments & vote)

Before hearing testimony, a substitute bill offered by **Rep. Dorothy Pelanda** (R-Marysville) was accepted. Among the changes, substitute version of the bill classifies sexual imposition

as a first-degree misdemeanor with a jail term of up to one year if the offender has three or more prior convictions of sexual imposition, rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition or felonious imposition. (**Comp doc**)

Niki Clum, legislative liaison for the Public Defender, said the legislation will "further confuse an already overly intricate criminal code by creating a new unclassified misdemeanor that carries a jail term of one year."

"This would be a unique misdemeanor criminal offense in the Ohio Revised Code - as a misdemeanor of the first degree carries a maximum jail term of only 180 days. At risk of relying on a cliché this is a slippery slope," she said. "Carving out these distinct offenses that carry their own unique penalties further confounds and complicates Ohio's criminal laws."

But Phyllis Carlson-Riehm of ACTION OHIO Coalition for Battered Women said the action of Lonnie Sturdivant highlight the need for the bill.

"Lonnie became known as the Columbus Groper after being arrested for grabbing a woman's buttocks in Panera Bread in the OSU campus area," she said in written testimony. "But, of course, this episode was not likely his first groping episode - it was simply the first time a victim caught him in the act and had the courage to file a charge. And in spite of subsequent charges and convictions, his groping episodes continued in a variety of locations - each providing him with unsuspecting females and opportunities to grope without being observed by witnesses."

Subscriber's Note: For full written testimony, see the [committee's website](#) under Dec. 12.
Public Utilities

HB 247 **UTILITY LAW (Romanchuk, M.)** To require refunds to utility customers who have been improperly charged, to eliminate electric security plans and require all electric standard service offers to be delivered through market-rate offers, and to strengthen corporate separation requirements. (**CONTINUED (See separate story)**; 4th Hearing-Opponent & interested party)

HB 381 **NUCLEAR ENERGY (DeVitis, T.)** Regarding the zero-emissions nuclear resource program. (**CONTINUED (See separate story)**; 1st Hearing-Sponsor)

Subscribers Note: For full testimony see the [committee's website](#) under Dec. 12.

Economic Development, Commerce & Labor

HB 392 **APIARY DAMAGES (Stein, D.)** To grant specified apiary owners immunity in personal injury or property damage cases. (**CONTINUED**; 3rd Hearing-Opponent)

John Van Doorn, of the Ohio Association for Justice, said the legislation "creates a special set of rules for an exclusive set of people."

The bill aims to grant certain beekeepers immunity in personal injury and property damage cases, but Mr. Van Doorn said the problems the bill would address don't really exist. That's contrary to the claims of the Ohio State Beekeepers Association, which in backing the bill said it would create "comfort and security" for beekeepers.

"There is no liability crisis for beekeepers," Mr. Van Doorn said, adding that there has been just one lawsuit against a beekeeper that proponents have cited and in that case there was no way to find the person liable because it's impossible to tie the bee to that beekeeper. He added that the bill's exemptions - which ensure liability remains for beekeepers engaged in "intentional tortious conduct or acts or omissions constituting gross negligence" - erect an "impossible legal hurdle."

"Rather than blowing a hole in Ohioans' constitutional rights...the Ohio State Beekeepers Association should work with the property casualty insurance industry or perhaps with one or two insurance companies to develop a rider for beekeepers that could be sold as part of a homeowner's insurance policy," Mr. Van Doorn said.

Sponsor **Rep. Dick Stein** (R-Norwalk) said that in addition to liability issues, the legislation is intended to raise awareness of beekeepers and the locations of hives.

In response, Mr. Van Doorn said, "My organization would submit that what we're looking at here is a fear that is irrational. That there are so few (lawsuits)... that it doesn't make sense to overturn one of our fundamental constitutional rights in order to address that single irrational fear."

Rep. Anthony DeVitis (R-Green) questioned whether the witness would be amendable to an amendment narrowing the focus of the bill to immunity for allegations or accusations of bee stings rather than entire spectrum of accidents. "What's very hard to prove in a court of law and would be a waste of many people's time is, 'I got stung by one of your bees,'" he said. But Mr. Van Doorn questioned whether that would grant immunity to the owner of an improperly cared for hive that children stumble upon. Would the beekeeper be shielded if the hive collapsed onto the children and resulted in injury, he asked.

Rep. Stein said the beekeeper wouldn't because the bill requires the him or her to follow best practices and safety standards. Mr. Van Doorn said in response that those best practices aren't prescriptive and would have to be more regulatory in nature to be sufficient.

HB 164 **ROOFING CONTRACTORS (Patton, T.)** To require commercial roofing contractors to have a license. (**CONTINUED**; 3rd Hearing-Opponent)

Three stakeholders asked lawmakers to reject the proposal, which would require roofing contractors to be licensed.

Ezra Escudero addressed the panel on behalf of the LIBRE Initiative, which is affiliated with Americans for Prosperity and bills itself as the nation's largest free-market Latino grassroots organization.

He said that proponents' two main arguments for the bill - abuse by unscrupulous contractors and a need to keep up with technology - already have existing solutions. The Attorney General already has an approximately \$88 million budget for consumer protection and enforcement for bad actors, he said. And the marketplace incentivizes training schools and associations to offer adequate training.

"To impose this requirement through legislative fiat is another form of cronyism," Mr. Escudero said. "Far from benefiting the state of Ohio, this bill will only enrich special interest groups at the expense of everyone else.... This is a real tax, especially on the poor and the middle class, restored citizens, Latinos in Ohio, entrepreneurs with dreams and many others."

Rep. Brigid Kelly (D-Cincinnati) took issue with the witness's claim that consumers have adequate resources through Yelp and other online sites to judge contractors' work.

"If we only had to depend on online reviews this would be a very weak argument. I totally agree," Mr. Escudero said, citing the Better Business Bureau and industry certifications as other resources. "Not to forget there are still local and municipal requirements... so we have a robust system that is already there that helps consumers get information."

The witness told **Rep. Alicia Reece** (D-Cincinnati) that licensure tends to target low and medium paid trades and that the bill could particularly harm Latinos, which the LIBRE Initiative primarily supports.

Rep. DeVitis, agreeing that licensure can sometimes be a pain, said the process can be beneficial and questioned whether Mr. Escudero finds any merit in licensure.

"The short answer is I believe some licenses have value and I do not believe this one does for a couple different reasons," Mr. Escudero said. "There are more ways to demonstrate to a marketplace that a service provider has those skills and benefits than licenses."

Shane Allyne, president of Heartland Construction, described the legislation as an "unfair burden that adds unnecessary requirements" and said the market, not lawmakers, should make these decisions.

"First, the proposal lacks specific details about all the new requirements to obtain a roofing license, or how the governing body plans to arrive at these requirements," he said. "This brings up my second point: there is not enough opportunity for non-political roofing professionals to provide input on the criteria for licensing, which is made even more complicated by the fact that roofing is an ever-changing industry."

Jacob Krulcik, owner of a small contracting business, submitted written opposition.

Subscribers Note: For full testimony see the [committee's website](#) under Dec. 12.

17 S. High St., Suite 630
Columbus Ohio 43215
Phone: 614-221-1992 | **Fax:** 614-221-7844 | **Email:** gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger,
Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2017, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.

Senate Activity for Tuesday, December 12, 2017

INTRODUCED

SB 240 ■ **TEACHER EVALUATIONS** (Lehner, P.) With regard to teacher evaluations. Am. 3311.80, 3311.84, 3319.075, 3319.111, and 3319.112 and to repeal sections 3319.114 and 3319.58

SB 241 ■ **NONPUBLIC SCHOOLS** (Terhar, L., Thomas, C.) To establish a category of nonpublic schools called "accredited nonpublic schools" and to prescribe requirements and exemptions for such schools. Am. 921.06, 955.43, 3301.07, 3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 3301.52, 3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 3312.05, 3312.09, 3313.206, 3313.41, 3313.48, 3313.481, 3313.482, 3313.536, 3313.539, 3313.5311, 3313.603, 3313.62, 3313.716, 3313.717, 3313.718, 3313.719, 3313.7111, 3313.7112, 3313.7114, 3313.813, 3313.86, 3313.976, 3317.024, 3317.03, 3317.06, 3317.062, 3317.063, 3317.13, 3319.311, 3319.313, 3319.314, 3319.317, 3319.39, 3319.391, 3319.392, 3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 3326.032, 3326.04, 3326.09, 3327.07, 3327.10, 3365.01, 3365.02, 3701.133, 3781.106, 3781.11, 4729.513, 4729.541, 5104.01, 5104.02, and 5139.18 and to enact section 3301.165

COMMITTEE HEARINGS

Insurance & Financial Institutions

SB 227 ■ **HEALTH PLAN CLAIMS** (Huffman, M.) To require health plan issuers to release certain claim information to group plan policyholders. (CONTINUED; 1st Hearing-Sponsor)

Sen. Matt Huffman (R-Lima) said the bill will help small businesses shop different health insurance providers by giving them and group policyholders access to certain claims information.

Under the current process, he said small businesses use insurance contracts from health insurers, which do not provide claims utilization data. That lack of information makes it difficult for employers to choose the best health care plan for employees' needs, he said. "This claims data is needed by employers to promote high quality health insurance, yet insurance carriers often refuse to provide such information," he said. "Although insurers cite privacy issues, HIPAA categorizes claims data information as 'de-identified' information, meaning it neither identifies nor provides a reasonable basis to identify an individual." Sen. Huffman said Texas and Louisiana have passed similar legislation, helping their small businesses make informed decisions about health coverage.

The bill is driven, in part, by small employers' recent experience with rising insurance costs, and that many companies want to offer the most efficient and lowest cost product they can, he said. That claims information can be important to shopping for insurance policies.

Sen. Huffman said the bill would not give employers information about employees' individual health conditions, as the claims data wouldn't include identifying information. That type of information release, he said, is allowed by federal health privacy laws.

The sponsor told Chair **Sen. Jay Hottinger** (R-Newark) that the bill requires the information to be released within 14 days, but said the key issue is that the information isn't currently available at all.

Sen. Bill Beagle (R-Tipp City) asked whether there are questions about who owns the claims data.

Sen. Huffman responded that data ownership isn't in question.

Sen. Bob Hackett (R-London) said he doesn't necessarily oppose the bill, but expressed concerns about making changes when federal health policy seems to be in flux. He also questioned whether the release of bad experience claims would lead to some employers getting hit with higher-cost coverage.

Sen. Huffman said simply receiving bad claims information wouldn't make an employer's rates less favorable. He said, however, that not having important information can lead to bad business decisions.

The sponsor told **Sen. Sandra Williams** (D-Cleveland) he doesn't know if the National Association of Insurance Commissioners has a policy on the concept.

Sen. Dave Burke (R-Marysville) questioned how having the information would help an employer negotiate rates if coverage options are largely pre-packaged.

Sen. Huffman said employers aren't likely to negotiate with insurers, but the information could also help companies decide if they are a good fit for association health plans.

Judiciary

SB 158 ELDER FRAUD (Wilson, S.) To develop best practices and educational opportunities to combat elder fraud and exploitation and to fine and require full restitution from offenders who are found guilty of certain fraud-related crimes against the elderly. (CONTINUED-AMENDED; 5th Hearing-All testimony-Possible vote)

Niki Clum, legislative liaison for the Ohio Public Defender, raised concerns about the fiscal impact of the bill.

She said administrative costs are likely to increase for county job and family services departments that are unlikely to be offset by an increased maximum fine.

"Whether the fine is \$50,000 or a lesser amount, it is unlikely that an indigent individual will have the means to pay any amount," she said. "Additionally, any funds that the individual can pay should be used as restitution so that the victim can be made whole. Therefore, SB158 will increase administrative costs to counties, and will not provide an income source to offset those costs."

A Legislative Service Commission technical amendment offered by **Sen. Kevin Bacon** (R-Minerva Park) was added to the bill.

SB 214 **GENITAL MUTILATION (Terhar, L., Lehner, P.)** To prohibit female genital mutilation. (CONTINUED; 1st Hearing-Sponsor)

Sen. Peggy Lehner (R-Kettering) said the procedure is most often performed on girls between the ages of 4 and 14.

"According to the World Health Organization, FGM has no medical benefits, and can actually cause several health problems. Complications such as excessive bleeding, infection, and extreme fever can occur immediately following the procedure," she said in sponsor testimony.

Sen. Lou Terhar (R-Cincinnati) said 26 states have adopted laws banning the practice.

"According to the AHA Foundation, Ohio has between 10,000 and 25,000 girls at risk of being forced to undergo this procedure," he said. "We know this is happening in Ohio and in our nearby states."

SB 180 **FIREARM LAWS (Uecker, J., Hottinger, J.)** To assign to the prosecution the burden of disproving a self-defense or related claim, to expand the locations at which a person has no duty to retreat before using force under both civil and criminal law, and to modify the Concealed Handgun Licensing Law regarding a licensee's duty to keep the licensee's hands in plain sight, the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle, and the posting of warning signs regarding the possession of weapons on specified premises. (CONTINUED (See separate story); 3rd Hearing-All testimony)

HB 1 **DATING PROTECTION ORDERS (Sykes, E., Manning, N.)** To authorize the issuance of dating violence protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order. (CONTINUED; 4th Hearing-All testimony-Possible amendments & vote)

Sarah Wolf-Knight, advocacy coordinator at the YWCA Dayton, said in written testimony that current Ohio law is insufficient.

"Ohio is one of only two states to not include protections for those in dating relationships in our state statutes. Expanding this category to those in dating relationships would document ongoing abusive behaviors, address intimate partner violence earlier in relationships, and expand resources for those who experience dating violence," she wrote.

Ms. Wolf-Knight also said the legislation will remove a legal barrier for certain victims of domestic violence.

"Protection orders legally prevent contact between a victim and perpetrator. They can also grant child custody and require the perpetrator to relinquish any firearms. Protection orders work; they deter further violence and increase victim safety and peace of mind," she said.

"Therefore, they should be available to all victims of intimate partner violence, regardless of one's relationship to their abuser."

Chairman Sen. Bacon said interested parties are working on a substitute version of the bill.

HB 79

FIREARMS TRAINING (Retherford, W., Hagan, C.) To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training and has been authorized by the law enforcement agency to carry firearms while on duty; and to grant such a professional the same right to carry a concealed handgun in this state as a concealed handgun licensee. (CONTINUED-AMENDED; 2nd Hearing-Proponent)

An amendment offered by Sen. Matt Dolan (R-Chagrin Falls) clarified that EMTs can carry in SWAT situations only when approved by the law enforcement agency they are working with at the time.

Rep. Christina Hagan (R-Alliance) spoke of her brother who is a paramedic and often works in Columbus to serve on SWAT.

"What most don't know is that these medical professionals train shoulder to shoulder with their peers on the professional SWAT teams," she said. "I have spent time with our tactical training facility professionals in Alliance who are nationally recognized for their efforts. We discussed in great detail the need for this legislation with our officers who train alongside the nation's elite including the FBI."

Ajay Seth, a doctor who works with Canton SWAT, said he believes he should be able to carry a firearm when working with law enforcement.

"Prior to participating in a raid, I am able to carry a weapon under my CCW license. Presently I need to leave that weapon behind and partake in risky activities dealing with individuals in our society that have shown to use weapons towards other individuals. If needed, I must rescue individuals with gunshot wounds," he said. "It is very difficult at that time knowing that as you go into this battle zone that you are unarmed. Upon the completion of my mission with the SWAT team I am then allowed to rearm myself with a weapon as I leave headquarters."

The panel also received written proponent testimony from representatives of the Columbus Division of Fire, the Colerain Township Public Safety Department, the Colerain Fire & EMS, the Liberty Township Fire Department, the Alliance Police Department Special Response Team and the City of Mansfield Fire Department.

HB 215

PAULDING COURTS (Riedel, C.) To create the Paulding County Municipal Court in Paulding on January 1, 2019, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Paulding County County Court on that date, to designate the Paulding County Clerk of Courts as the clerk of the Paulding County Municipal Court, and to provide for the election for the Paulding County Municipal Court of one full-time judge in 2018. (REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)

SB 64

JUVENILE BINDOVERS (Thomas, C.) To eliminate mandatory bindovers and reverse bindovers, and modify the rules and procedures regarding a discretionary bindover, of an alleged juvenile offender from a juvenile court to a criminal court. (CONTINUED (See separate story); 2nd Hearing-Proponent)

Subscriber's Note: For full written testimony, see the [committee's website](#) under Dec. 12.

Health, Human Services & Medicaid

SB 229 **CONTROLLED SUBSTANCES (Eklund, J.)** To modify laws pertaining to the State Board of Pharmacy and the regulation of controlled substances.
(CONTINUED; 2nd Hearing-Proponent)

Steven Schierholt, executive director of the Board of Pharmacy, detailed the provisions in the bill designed to regulate controlled substances. The measure is designed as an update to the state's Controlled Substances Act, he said.

The bill would allow the board to act more quickly to designate drugs as controlled substances if they meet certain conditions. It reduces the criteria needed to make a compound a Schedule I substance on an emergency basis, matching the criteria used by the U.S. Drug Enforcement Administration.

The bill would not allow the board to schedule anything approved for use by the Food and Drug Administration, and it would still require an emergency order to be issued by the governor, but it would let the board meet via conference call to make the determination.

Mr. Schierholt said the proposal would also move the scheduling from statute to rule, enabling the board to more easily make changes and update the schedules.

Other provisions would shield the personal information of Pharmacy Board investigators and staff, make corrections to the 14-day limit on opioid prescriptions by ensuring it applies only to an initial fill and not to partially dispensed prescriptions, and would modify the licensure of office-based opioid treatment facilities.

The bill would exempt federally qualified health centers and correctional facilities from licensure as treatment facilities, as they already hold terminal distributor licenses, and would propose a ten-year lookback period for exclusion from employment in treatment facilities, allowing people who have had drug issues in the past to work at the centers.

"This legislation includes important reforms that will strengthen Ohio's efforts to address illicit drugs and implement needed reforms to assist the board in its mission to promote and protect the health and safety of all Ohioans," Mr. Schierholt said.

HB 196 **AWARENESS MONTH (Lipps, S.)** To designate October as "Ohio Chiropractic Awareness Month." (REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)

HB 214 **ABORTION (LaTourette, S., Merrin, D.)** To prohibit a person from performing, inducing, or attempting to perform or induce an abortion on a pregnant woman who is seeking the abortion because an unborn child has or may have Down Syndrome. (REPORTED (See separate story); 1st Hearing-All testimony-Possible vote)

HB 145 **CONFIDENTIAL TREATMENT (Huffman, S., Sprague, R.)** To provide for the establishment of a confidential program for the treatment of certain impaired practitioners and to declare an emergency. (CONTINUED; 3rd Hearing-All testimony-Possible vote)

Chairman **Sen. Dave Burke** (R-Marysville) said the committee would hold off on a vote and consideration of an amendment dealing with board consolidation issues until January.

Jimelle Rumberg, executive director of the Ohio Foot and Ankle Medical Association, wrote in support of the bill, saying it would support patient safety by getting impaired physicians the help they need.

"This 'one-bite' program contained in HB145 will provide these impaired physicians with early intervention and treatment assistance while protecting the public," she wrote.

SB 233 **COTTAGE FOOD PRODUCTION (Thomas, C.)** To allow a cottage food production operator to use a firebrick oven located on a patio at the operator's residence for purposes of the cottage food production operation
(CONTINUED; 1st Hearing-Sponsor)

Sponsor **Sen. Cecil Thomas** (D-Cincinnati) said the bill would allow cottage food production operators to use firebrick ovens on patios at the operator's home.

He said the idea came from small business owners in his district who want to bake bread for their customers. They wanted to build an outdoor firebrick oven on their property, but current law prevents them from doing so.

The bill would allow for a firebrick oven used for cooking and located on a patio as another option for cottage food producers, he said.

"Now, I may not know a lot about baking artisanal bread, let alone running a bread baking business, but it is my belief that we should continue to work on increasing opportunities for our small businesses to thrive and excel as our markets change," the sponsor said.

SB 193 **LONG-TERM CARE (Tavares, C.)** To create a long-term care inspection committee. (CONTINUED; 1st Hearing-Sponsor)

Sponsor **Sen. Charleta B. Tavares** (D-Columbus) said the bill would create a long-term inspection committee to inspect long-term care facilities every five years.

"We must make sure that our older adult population is cared for and protected," she said.

She said studies have found that elder abuse cases are underreported.

Sen. Vernon Sykes (D-Akron) asked if long-term care facilities are currently inspected.

Sen. Tavares said they are inspected regularly, but those are announced inspections.

"This is about, first and foremost, health and safety, and that's why I want to make sure that we're doing all we can to make sure people are on their toes at all times," she said.

Government Oversight & Reform

SB 220 **CYBERSECURITY (Hackett, B., Bacon, K.)** To provide a legal safe harbor to covered entities that implement a specified cybersecurity program.
(CONTINUED; 1st Hearing-Sponsor)

Sen. Bob Hackett (R-London), chief sponsor along with **Sen. Kevin Bacon** (R-Minerva Park), said the bill "would provide an incentive for businesses to achieve a higher level of cybersecurity through voluntary action, and to provide an affirmative defense to a lawsuit which alleges a data breach was caused by a business' failure to implement reasonable information security controls."

"In order to receive the benefit of the safe harbor, a business must create its own cybersecurity program. To provide guidance to businesses, S.B. 220 lists eight different industry-recognized cybersecurity frameworks which a business can follow when creating its

own cybersecurity program. Businesses are only required to incorporate one of the frameworks into the business' cybersecurity program. Further, businesses are free to choose whichever framework best fits their information security controls," he said.

Sen. Hackett said the bill is scalable to the needs of a particular business given cybersecurity needs can vary. "In other words, the requirements of S.B. 220 would depend on the size and scope of each business," he said. "The legislation lists five factors which a business' cybersecurity program can depend on, such as the size and complexity of the business along with the resources available to the business. Additionally, each of the eight industry-recognized cybersecurity frameworks mentioned in the legislation are designed to be scalable as well."

"Finally, it is important to note that the legislation does not create a minimum cybersecurity standard that can be violated and consequently added to a lawsuit against a business owner. In fact, the legislation specifically states that the legislation shall not be read to impose liability on businesses who do not comply with the provisions within S.B. 220, Rep. Hackett said.

Chairman Sen. Bill Coley (R-Liberty Twp.) observed that the sponsors had built in flexibility for changing technologies as a result of interested party meetings.

SB 28 **ABORTION (Uecker, J.)** Regarding final disposition of fetal remains from surgical abortions. (CONTINUED; 2nd Hearing-Proponent)

Jessica Koehler, director of legislative affairs for Ohio Right to Life, and several other representatives of RTL groups, presented proponent testimony.

"For decades, Ohio has required the humane disposal of aborted remains. In a 2015 investigation, Attorney General Mike DeWine found that the disposal practices of several Ohio abortion facilities were anything but humane," she said. "I hope we can all agree that disposal in a landfill in no way reflects a culture that honors the dignity of the human person." Ms. Koehler said the bill requires that "the unborn victims of abortion either be humanely buried or cremated. Additionally, it increases informed consent to mothers pursuing abortions by requiring full disclosure of the handling of their unborn child's remains."

"In protecting the dignity of the unborn child, we believe that this legislation will also preserve some of our own," she added. "Indeed, this legislation says just as much about our humanity as it says about the unborn child's."

Denise Leipold, executive director of Right to Life of Northeast Ohio, likened the disposal of aborted remains to mass graves of Jews in World War II and of victims in Bosnia during the civil war in that country.

"It sickens me that I am here to testify about what we are to do with the remains of the unborn children that we legally allow mothers to kill. It sickens me that our laws are more concerned with what to do with their bodies after we let them be killed rather than protect them while they are alive," she said. "How ironic is it that in this bill, mothers who are about to kill their children are given the choice of whether to bury them or cremate them so that they can humanely dispose of the child whose life they are about to inhumanely end?"

Ms. Leipold said the bill is "not a political agenda against abortion, as Planned Parenthood executives have stated. This law instead is to deal with the tragic aftermath of abortion

created by those who have such little regard for the humane treatment of the unborn child while it is still alive."

Barry Sheets, representing the Right to Life Action Coalition of Ohio, listed the new restrictions in the bill, saying his group worked with the sponsor and believes it will "give the clarity that has been noted as lacking in our statutes by our state's attorney general."

"Trafficking in body parts is illegal, but without the accountability established by the language of Senate Bill 28, Ohio may not be assured that these organizations are operating lawfully and transparently. Given that the U.S. Department of Justice has now launched an investigation into the matter, it is indeed time for the common-sense provisions of SB28."

Pegi Deeter, director of operations and abortion recovery services at PDHC in Columbus, cited her experience as a post-abortive woman in expressing support for the bill, saying it was "unsettling to receive the knowledge that fetal parts are disposed of as everyday refuse." "In my experience as a peer consultant to hundreds of other post-abortive women, I can attest to the trauma women experience of not knowing where their children have ended up, or worse, the trauma of knowing that their children have been disposed of in an inhumane manner," she said.

"I fully support SB28 and the requirement to ensure that remains, even those baby remains who are lost due to voluntary abortion, must be disposed of either by cremation or burial and failure to humanely dispose of aborted remains will be considered a crime."

Paul Coudron, representing Dayton Right to Life, recounted how the remains of a baby were found in a garbage can near a clinic and the burial drew 400 people.

Written supportive testimony was submitted by Bethesda Healing Ministry, Lake County RTL and RTL of Greater Cincinnati.

HB 142

CONCEALED WEAPONS (Wiggam, S., Holmes, G.) To modify the requirement that a concealed handgun licensee notify a law enforcement officer that the licensee is carrying a concealed handgun when stopped.
(CONTINUED; 1st Hearing-Sponsor)

Rep. Scott Wiggam (R-Wooster) said in sponsor testimony that it was important to note how "dysfunctional" current law is currently as it relates to concealed handgun notifications.

"Today, if you are a concealed-carry holder, part of the safest demographic in the United States, and you do not promptly inform any officer who approaches you for a law enforcement purpose that you have your license and your handgun on your person, you are to be charged with a misdemeanor of the first degree," he said. "This is the same penalty criminals face when charged with petty theft or domestic violence."

Outlining the bill with main cosponsor **Rep. Glenn Holmes** (D-McDonald), Rep. Wiggam said it updates notification laws by: only requiring the licensee to "inform the officer who asks for state identification such as a driver's license instead of "promptly" alerting the officer; allows the licensee to either verbally notify or hand the license to the officer; and notify an officer at the same time the officer is presented identification.

The bill also eliminates the current penalty and replaces it with a minor misdemeanor and maximum fine of \$25, Rep. Wiggam explained.

Rep. Wiggam said the bill is the first that's pro-CCW related to clear the House with bipartisan key sponsorship.

Rep. Holmes said it aims to clear up ambiguities in state law, saying he has personal experience with a situation in which a law enforcement officer didn't believe they were informed "promptly" enough.

The bill, he said, aims to "ensure that these incidents are avoided in the future by specifying exactly when a concealed handgun licensee must notify the officer on hand - that is, immediately upon receiving a request for identification from the officer."

The sponsors said the bill, which was changed from its original form to eliminate the notification requirement, is backed by Buckeye Firearms and the NRA and that the Buckeye State Sheriffs Association is neutral.

HB 122 **ECONOMIC DEVELOPMENT** (Hambley, S., Rogers, J.) To establish a Regional Economic Development Alliance Study Committee to study the benefits and challenges involved in creating regional economic development alliances. (**CONTINUED**; 1st Hearing-Sponsor)

"Simply put, House Bill 122 would establish the Regional Economic Development Study Committee to investigate the benefits of creating metropolitan economic development alliances," sponsor Rep. Steve Hambley (R-Brunswick) said.

Collaborative metropolitan economic development has been shown to benefit all participating entities, the sponsor said. The committee would study the features, benefits, and challenges involved in establishing metropolitan economic development alliances that would incentivize cooperation, enhance success, and provide for greater efficiency in economic development among participating municipal corporations, namely in metropolitan areas. The committee

may also consider the process and structure of such alliances and review legislative proposals. In completing its study, the committee shall consult with various groups, including county commissioners, township trustees, mayors, city council members, members of statewide and metropolitan organizations, and members of chambers of commerce.

Rep. John Rogers (D-Mentor-on-the Lake) said the committee "would be bipartisan and will consist of members from the Ohio House of Representatives, the Ohio Senate, a designee of the Governor, academic representatives, and a representative from the Regional Prosperity Initiative." Other groups have asked to be included as non-voting members, he said. The committee will submit a report of its findings within one year of the effective date of the bill.

"We want to stress that this bill does nothing more than create a study committee. Our companion bill, Senate Bill 97, sponsored by Senators LaRose and Yuko, creates the very same study committee. It creates no obligations for local governments," he said.

"Furthermore, the study will show whether this program would be beneficial or unfavorable to Ohio. Action taken past the study would require different legislation."

The bill passed out of the House State and Local Government Committee unanimously, and passed the House with bipartisan support 91-6, Rep. Rogers concluded.

SB 129 **COSMETOLOGY LAW** (Jordan, K., Tavares, C.) To make changes to the Cosmetology Licensing Law. (**CONTINUED**; 2nd Hearing-Proponent)

Some 20 witnesses either testified or submitted written statements to the panel in support of the bill.

Tony Fiore, legal counsel of the Ohio Salon Association, said the bill stems from the work of the Future of the Beauty Industry Coalition, which for four years has been developing research from all 50 states. The FBIC is made up of cosmetologists, students, salon owners, manufacturers, distributors, and cosmetology schools, he said. "This group came together to provide reasonable reforms to state cosmetology law rather than simply deregulating the industry."

Mr. Fiore said the current state of salon training in the state calls for a legislative response. "We have a workforce development problem in the beauty industry in Ohio. Since May 2015, twenty-five percent of private schools of cosmetology have closed in this state and we expect more in the future. This is creating a significant shortage of qualified candidates across the state," he said.

Detailing the various aspects of the bill, he noted in part that it would require no more than 1,000 hours of training to obtain a cosmetology license compared to 1,500 today.

Comparatively, he said, it takes 150 hours to become an EMT-Technician, 695 hours to become a police officer, 900 hours to become an EMT-Paramedic, and 1,376 to become a Licensed Practical Nurse.

The witness also pointed to the reciprocity language in the bill as being beneficial.

"Reducing the amount of hours in Ohio and removing the requirement for those licensed in other states to take an Ohio exam increases the number of people eligible to come work in Ohio," Mr. Fiore said. "This will greatly increase the job providers' ability to fill open positions on border locations."

Many changes have been made to the bill to address concerns of opponents, he said.

Responding to a question from Chairman Coley, the witness said the hour requirements would not inhibit practitioners from getting jobs in other states, adding that New York, with its stringent requirements, is considered the Mecca of the beauty industry.

"We just want to make sure the state of Ohio is setting a floor and not a ceiling" in terms of requirements, he said.

Sen. Coley said research has indicated there could be reciprocity problems with other states under the bill. Mr. Fiore said he disagreed with that assessment, saying the hourly requirements mesh with what career-tech schools are mandating.

"We don't see that other states would not accept Ohio's license," he said.

Clara Osterhage, of R.L.O., Inc., a franchisee with 63 of 72 Great Clips salons in the state, focused on the hour requirements, license mobility across state lines and "shrinking pipeline" for licensees that the bill addresses.

Given that about half of licensees get 1,000 hours of training at career-tech schools and the other half 1,500 hours at private schools, she said, "At the end of the day, there is no discernible difference in the quality of the graduates from a technical aspect."

"The comparable value of the two school venues is further reinforced by the similar passage rates experienced on the cosmetology board exam. Both are prepared for the State Board examination, but neither are prepared to stand behind a chair and service the paying consumer," Ms. Osterhage said. "That readiness comes only from experience in a work environment that is capable of building technical skills and resulting levels of confidence. The school clinic floor is not a viable substitute. Equalizing the playing field by allowing both

public and private students to achieve 1,000 hours of education prior to obtaining a license serves to permit both groups to begin their careers without additional costly educational barriers."

Regarding licensing mobility, the witness said, "Having salons that are located across state lines in Kentucky, Indiana, and West Virginia, I can say with confidence that we do not make it easy for the licensed cosmetologist to come to work in Ohio. I believe that all licenses should be treated with respect and should be endorsed across state lines without issue. Hair is Hair."

Ms. Osterhage said 17 private cosmetology schools closed in Fiscal Year 2017, underscoring the need to free up the licensing pipeline.

"The bottom line is that the pool of newly graduated candidates is shrinking for the nearly 10,000 licensed salons in Ohio," she said. "It will not be surprising if the trend in closures continues, and as a business owner, it is my obligation to be involved in finding options and solutions."

"SB129 creates an apprenticeship program as another option available to us. And while it will not be my desire to incorporate this concept into my own business unless the candidate pool dries up considerably more than it has, I think it is a necessary safety net that will allow salon owners to keep their doors open."

Brandon Ogden, director of the Ohio Small Business Council for the Ohio Chamber of Commerce, said the bill fits with his group's focus on addressing issues related to workforce development and business overregulation.

"The Ohio Chamber supports SB129 which addresses the concerns of salon owners across the state," he said. "The legislation harmonizes public and private education by reducing the licensure hours to 1,000."

"It is worth noting that this reduction in training hours is likely to attract cosmetology students to Ohio from surrounding states. It is critical that Ohio become more competitive than other states, as salon owners are beginning to cite workforce shortages. If the educational hurdles are not addressed soon, the increased workforce shortages within the industry could take several years, possibly even decades to reverse."

Mr. Ogden said the chamber also backs the apprenticeship program in the bill.

"Given the fact that dozens of cosmetology schools have closed in the past couple of years, this option could address the reduction of educational opportunities for prospective students," he said. "Apprenticeship programs also have the benefit of providing students with hands-on experience instead of an excessive amount of book work."

Among the numerous other proponents who submitted written testimony on the bill were members of the Ohio Board of Cosmetology, representatives of the Professional Beauty Association, Future of the Beauty Industry Coalition and Institute for Justice, and owners of several salons across the state.

SB 234

FIREARM OWNERSHIP (LaRose, F.) Regarding a tenant of subsidized rental premises owning, using, or possessing a firearm, a firearm component, or ammunition within the tenant's residential dwelling unit. (CONTINUED; 1st Hearing-Sponsor)

"This legislation is designed to prevent certain housing developments from infringing on Ohioans' Second Amendment rights," **Sen. Frank LaRose** (R-Hudson) said in sponsor testimony. "Currently, landlords of housing developments who accept federal assistance dollars can force residents to sign rental agreements banning the possession of firearms on the premises. This bill, if enacted, would prohibit such rental agreements from being forced upon people, thus protecting their constitutional rights."

This "necessary change," he said, would only affect housing developments which receive funding from one of the following federal assistance programs:

--The United States Department of Agriculture's Multifamily Housing Rental Assistance Program under Title V of the "Federal Housing Act of 1949."

--The United States Department of Housing and Urban Development's Housing Choice Voucher Program, the New Construction Program, and the Substantial Rehabilitation Program.

--The Moderate Rehabilitation Program under section 8 of the "United States Housing Act of 1937."

"It's important to note that landlords cannot be held liable for any incident involving a firearm that occurs on their premises," the sponsor said. "However, if they were to continue to implement and enforce similar rules on their property, tenants may seek damages and reasonable attorney's fees."

The sponsor said he worked closely with the National Rifle Association, Buckeye Firearms, and Ohioans for Concealed Carry to draft the legislation. "Together, we believe that any housing development that receives federal dollars should not have the right to circumvent the constitution," he said. "Simply stated, no one should be denied their second amendment right simply because they live in subsidized housing."

In response to **Sen. Edna Brown** (D-Toledo), the sponsor said a tenant can't be prohibited from keeping a firearm under the bill, but how it is stored is not addressed in the bill.

Nevertheless, Sen. Brown said there are many children in subsidized housing and tenants need education on various life matters. She said she was leery about endorsing such a proposal without some oversight of how they are stored on such properties.

Also responding to the senator, the sponsor said the bill does not limit nor does he support limiting the number of weapons that a tenant can keep in subsidized housing developments.

Subscribers Note: Full testimony is available on the [committee's website](#) under Dec. 12.

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dille, Mike Livingston, Dustin Ensinger,
Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2017, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.

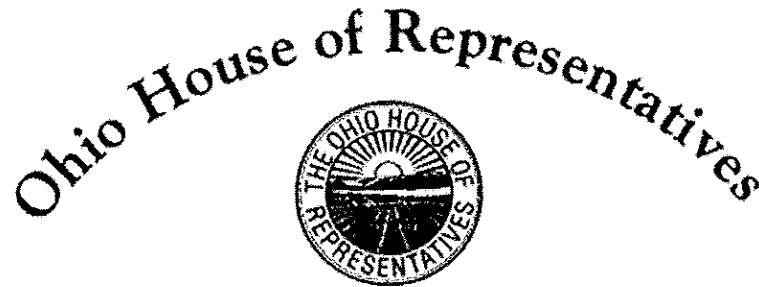
From: Palmer, Margaret

Sent: Tuesday, December 12, 2017 6:51 PM

To: House_All

Subject: Human Trafficking Awareness Day and Youth Prevention Summit

Attachments: Invitation to Youth Summit.docx



Representative Teresa M. Fedor

Ohio House District 45

Representative Tavia Galonski

Ohio House District 35

To: All House Members

From: Representatives Teresa M. Fedor and Tavia Galonski

Date: December 12, 2017

Re: Human Trafficking Awareness Day and Youth Prevention Summit 2018

For the past eight years, I have hosted a Human Trafficking Awareness Day at the Ohio Statehouse. The event brings activists, judges, lawyers, social workers, law enforcement officers, and survivors from across our state to the capital to discuss what human trafficking is and how to end it, once and for all.

This year is my ninth year hosting the event and Representative Galonski's first. We have expanded the day's events greatly: we will have concurrent panels throughout the day on healthcare, the judiciary, law enforcement, labor trafficking, legal, and social work/NGO, with each panel occurring twice. Our lunch speaker will be Megan Mattimoe, founder of Advocating Opportunity and has over twenty years of experience in public service work, including at the YWCA Rape Crisis Center, Legal Aid of Western Ohio, and Advocates for Basic Legal Equality. We welcome all interested legislators, staff, and other interested parties to attend the day. The Human Trafficking Awareness Day events will be on **January 11, 2018 from 8:30AM to 4:00PM** in the Statehouse. Further information about registration will be forthcoming.

This year will also be the second year I have hosted the Human Trafficking Youth Prevention Summit. The Youth Prevention Summit has the goal of targeting those most vulnerable to human trafficking: our children. This is the second day of the two-day program and has the goal of ending human trafficking at its source. Students are invited to spend the day at the statehouse, attending breakout sessions, speaking with survivors and leaders in the fight against human trafficking, and hosting a press conference. Students will leave having been able to work on legislation in which they are interested and with toolkits designed to keep them informed, involved, and aware about the issue of human trafficking. The Youth Prevention Summit will be on **Friday, January 12, 2018 from 9:30AM to 3:30PM**. Please see the attached invitation for further details. It is my hope that students from all across Ohio will be able to attend, so if you know of a school district, school, or teacher you think would be interested in the day, please do not hesitate to send the invitation to them directly.

Please reach out to Meg Palmer at Margaret.Palmer@ohiohouse.gov or Bailey Sandin at Bailey.Sandin@ohiohouse.gov with any questions.
Thank you for your consideration,

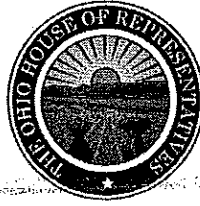
Representative Teresa Fedor
Ohio House of Representatives District 45

Representative Tavia Galonski
Ohio House of Representative District 35

TERESA FEDOR

Committees

Ohio State Representative
Education—*Ranking Member*
45th House District
Armed Services, Veterans Affairs,
77 South High Street, 10th Floor
Public Safety
Columbus, Ohio 43215
Ways and Means



REPRESENTATIVE TERESA M. FEDOR

To Whom It May Concern,

I would like to extend an invitation to you and your students to the 2nd Annual Human Trafficking Awareness Day's Youth Prevention Summit on **January 12, 2018** at the Ohio Statehouse in Columbus.

I have been hosting the Human Trafficking Awareness Day for eight years, bringing professionals from across Ohio to the Statehouse to discuss the fight against human trafficking in all forms. Last year, I opened up a second day to students from around Ohio to come to the Statehouse and be a part of the solution.

This year, the Youth Prevention Summit will include discussions about self-esteem and health, social media, and legislation and will highlight the role of students and young people in the fight to end all forms of trafficking.

To register, please fill out this google form:

https://docs.google.com/forms/d/e/1FAIpQLSeOCqIxxA6uVN-vxuJvcPgAU11zgJTqf94rhcbDjiF8QjxISA/viewform?usp=sf_link

Once we receive your response, my aide, Meg Palmer, will reach out to you with and for more details.

I look forward to seeing you at the Summit.

Warmest Regards,

A handwritten signature in cursive script that reads "Teresa Fedor".

77 South High Street, Columbus, Ohio 43215 | 614-644-6017 |
Rep45@ohiohouse.gov

TERESA FEDOR

Committees

Ohio State Representative
Education—*Ranking Member*
45th House District
Armed Services, Veterans Affairs,
77 South High Street, 10th Floor
Public Safety
Columbus, Ohio 43215
Ways and Means

Representative Teresa Fedor
Ohio House of Representatives, District 45

614-644-6017
77 South High Street, 10th Floor
Columbus, Ohio 43215

From: report@hannah.com

Sent: Tuesday, December 12, 2017 9:02 PM

To: DL_Hannah

Subject: Hannah News Stories for Tuesday, December 12, 2017

Tuesday, December 12, 2017

IN TODAY'S HANNAH REPORT:

Please click here to read the entire Hannah Report.

Today's Stories

- [Kasich Joins Governors in Supporting Continued CHIP Funding](#)
- [Ballot Board Approves Drug Penalty Amendment as One Issue](#)
- [Localities Feeling Increased Fiscal Stress, Auditor Report Shows](#)
- [Ohio House Democrats Announce New Leadership Lineup for 2018](#)
- [Secret Service Agent Urges Lawmakers to Outlaw Counterfeiting](#)
- [Utility Industry Pushes Back on Deregulation Move of HB247](#)
- [Lawmakers Seek to Criminalize 'Masked Intimidation'](#)
- [Lack of Access to Broadband Affects Personal, Health, Education, Economic Aspects of Life](#)
- [School Board OKs Testing Cuts, Likely to Back Extension of New Diploma Options to 2020](#)
- [Campaign Corner: Bacon](#)
- [Judicial Actions: Sherron](#)
- [Executive Actions: Appointments](#)
- [Legislative Schedule Changes](#)

House Committee Reports

- [Criminal Justice](#)
- [Economic Development, Commerce and Labor](#)
- [Education and Career Readiness](#)
- [Finance](#)
- [Financial Institutions, Housing and Urban Development](#)
- [Public Utilities](#)
- [Rules and Reference](#)
- [State and Local Government](#)
- [Ways and Means](#)

Senate Committee Reports

- [Government Oversight and Reform](#)
- [Health, Human Services and Medicaid](#)
- [Insurance and Financial Institutions](#)

- Judiciary
- Rules and Reference Committee

© 2017 Hannah News Service, Inc., Columbus, Ohio. Unauthorized redistribution or reproduction prohibited.

Hannah News Service, Inc. | 21 W. Broad Street, Suite 1000, Columbus, Ohio 43215 | 614.227.5820 | www.hannah.com

From: Palmer, Margaret

Sent: Wednesday, December 13, 2017 3:46 PM

To: House_All

Subject: Human Trafficking Awareness Day and Youth Prevention Summit

Attachments: Invitation to Youth Prevention Summit.docx

Good afternoon,

Please see the attached, updated invitation to the Youth Prevention Summit on January 12.

Thank you,

Meg Palmer

Ohio House of Representatives

Legislative Aide

State Representative Teresa Fedor, 45th District

614-644-6017

Margaret.Palmer@ohiohouse.gov

From: Palmer, Margaret

Sent: Tuesday, December 12, 2017 6:51 PM

To: House_All <House_All@ohiohouse.gov>

Subject: Human Trafficking Awareness Day and Youth Prevention Summit



Representative Teresa M. Fedor

Ohio House District 45

Representative Tavia Galonski

Ohio House District 35

To: All House Members

From: Representatives Teresa M. Fedor and Tavia Galonski

Date: December 12, 2017

Re: Human Trafficking Awareness Day and Youth Prevention Summit 2018

For the past eight years, I have hosted a Human Trafficking Awareness Day at the Ohio Statehouse. The event brings activists, judges, lawyers, social workers, law enforcement officers, and survivors from across our state to the capital to discuss what human trafficking is and how to end it, once and for all.

This year is my ninth year hosting the event and Representative Galonski's first. We have expanded the day's events greatly: we will have concurrent panels throughout the day on healthcare, the judiciary, law enforcement, labor trafficking, legal, and social work/NGO, with each panel occurring twice. Our lunch speaker will be Megan Mattimoe, founder of Advocating Opportunity and has over twenty years of experience in public service work, including at the YWCA Rape Crisis Center, Legal Aid of Western Ohio, and Advocates for Basic Legal Equality. We welcome all interested legislators, staff, and other interested parties to attend the day. The Human Trafficking Awareness Day events will be on **January 11, 2018 from 8:30AM to 4:00PM** in the Statehouse. Further information about registration will be forthcoming.

This year will also be the second year I have hosted the Human Trafficking Youth Prevention Summit. The Youth Prevention Summit has the goal of targeting those most vulnerable to human trafficking: our children. This is the second day of the two-day program and has the goal of ending human trafficking at its source. Students are invited to spend the day at the statehouse, attending breakout sessions, speaking with survivors and leaders in the fight against human trafficking, and hosting a press conference. Students will leave having been able to work on legislation in which they are interested and with toolkits designed to keep them informed, involved, and aware about the issue of human trafficking. The Youth Prevention Summit will be on **Friday, January 12, 2018 from 9:30AM to 3:30PM**. Please see the attached invitation for further details. It is my hope that students from all across Ohio will be able to attend, so if you know of a school district, school, or teacher you think would be interested in the day, please do not hesitate to send the invitation to them directly.

Please reach out to Meg Palmer at Margaret.Palmer@ohiohouse.gov or Bailey Sandin at Bailey.Sandin@ohiohouse.gov with any questions.

Thank you for your consideration,

Representative Teresa Fedor
Ohio House of Representatives District 45

Representative Tavia Galonski
Ohio House of Representative District 35



Representative Teresa M. Fedor
Ohio House District 45

Representative Tavia Galonski
Ohio House District 35

To Whom It May Concern,

We would like to extend an invitation to you and your students to the 2nd Annual Human Trafficking Awareness Day's Youth Prevention Summit on **January 12, 2018** from **9:30AM to 3:30PM** at the Ohio Statehouse in Columbus.

Representative Fedor has been hosting the Human Trafficking Awareness Day for eight years, bringing professionals from across Ohio to the Statehouse to discuss the fight against human trafficking in all forms. Last year, she opened up a second day to students from around Ohio to come to the Statehouse and be a part of the solution. This year, Representative Galonski will be joining as a co-host for both the Human Trafficking Awareness Day and Youth Prevention Summit.

The Second Annual Human Trafficking Youth Prevention Summit will include discussions about self-esteem and health, social media, and legislation and will highlight the role of students and young people in the fight to end all forms of trafficking.

To register, please fill out this google form:
https://docs.google.com/forms/d/e/1FAIpQLSeOCqIxxA6uVN-vxuJvcPgAU11zgJTqf94rhcbDjiF8QjxISA/viewform?usp=sf_link

Once we receive your response, Representative Fedor's aide Meg Palmer or Representative Galonski's aide Bailey Sandin will reach out to you with and for more details.

I look forward to seeing you at the Summit.

Warmest Regards,

A handwritten signature in cursive script that reads "Teresa Fedor".

A handwritten signature in cursive script that reads "Tavia Galonski".

Representative Teresa Fedor
Ohio House of Representatives, District 45
District 35

614-644-6017
77 South High Street, 10th Floor
Columbus, Ohio 43215

Representative Tavia Galonski
Ohio House of Representatives,

614-644-6037
77 South High Street, 10th Floor
Columbus, Ohio 43215

From: leq1115@hotmail.com
Sent: Thursday, December 14, 2017 2:25 PM
To: Rep76
Subject: Middleclass back is broken

First Name : Lillian

Last Name : Quaranta

Address : 6754 Trenholm Rd

City : Youngstown

State : OH

Zip : 44512

Phone : 330.758.1605

Email : leq1115@hotmail.com

Subject :
Middleclass back is broken

Message :

December 14, 2017

Dear Ohio Government Officials whose paycheck I pay:

I would dearly love you to take into consideration the next time you vote for a bill/law/tax to use my money for the good of a remarkably forgotten middle class. I have been paying our bills for years without any objection, until today. There are predators amongst us who are disguised as businessmen and women. I say predators because their motivation is NOT to contribute to the well-being of Ohio voters who put them there, but to their own off shore checking account. They do not contribute to our Ohio taxes, but find/hire legal ways to avoid any financial responsibility. They are NOT sharp businessmen and women; they are freeloaders. And they have been making their money on the backs of the middle class and showing contempt for them in the process. Are you one of them?

40 years ago, Youngstown voters who contributed to Ohio's tax base walked into work and found the gates locked. No prior notice, just done. The only line that was considered by the owners and the local government was the bottom line. There was not just a lack of money that the laborer faced, but a profound and long-lasting lack of faith in the selfish bosses, the government, the labor leaders and the workers themselves. And that middle-class shock hit hard. 40 years after Black Monday, Youngstown and her environs deserve a hero. Please consider the next time you argue a bill, law or tax, to ask, "What's in it for the middle class?" Could it be a low interest loan for a baby boomer's small business? Or a small farm? Or mentor jobs for local retired craftsmen, masons, carpenters, teachers, nurses, construction workers, cabinetmakers? By paying for experienced labor, you increase the middleclass bank accounts and their worth. Wouldn't it be a godsend that Youngstown becomes the benchmark for the nation to follow by getting the middle class back to work, especially since the state and federal government officials have

From: Gongwer News Service

Sent: Thursday, December 14, 2017 6:05 PM

To: DL_Gongwer

Subject: Ohio Report, Thursday, December 14, 2017

Attachments: 171214dayplan.htm; Dec14.htm; Dec14Senate.htm; Dec14House.htm;
Dec15Schedule.htm

Unsubscribe

It appears that you have subscribed to commercial messages from this sender. To stop receiving such messages from this sender, please unsubscribe

OHIO REPORT

[View in a browser](#)

GONGWER

SINCE 1906

OHIO'S HOME FOR POLICY & POLITICS

News
Bill Tracking
Legislation

OHIO REPORT THURSDAY, DECEMBER 14

Contingency Plan Set For Behavioral Health Redesign

**State Hiring Third-Party Investigator To Review Future Medical Pot
Licensing Concerns**

Husted Pushes \$118M For Voting Equipment In Capital Budget

**Rhoden Autopsies Will Remain Out Of Public View As Investigation
Proceeds, High Court Rules**

JobsOhio Highlights Financial Technology Accelerator

**Medicaid Program Would See Federal Funding Cut If CHIP Not
Reauthorized, Director Says**

Kasich Announces Process To Fill O'Neill's Seat On High Court

**Lawmaker Looks To Shield Images Featuring Nudity, Victims Of Sex
Crimes From Public Release**

**Report Reveals Cost Of High Court Races; O'Brien Scores Endorsements
For Congressional Bid; Unions Back Whaley; Cordray Adds Jones
Staffer...**

Gongwer Statehouse Job Market Updated

Supplemental Agency Calendar

Supplemental Event Planner

ACTIVITY REPORTS

House

Senate

CALENDARS

Day Planner

Legislative Committee Schedules

Please send all correspondence to gongwer@gongwer-oh.com. This mailbox is not regularly monitored.

[View as a Web Page](#)

Copyright 2017, Gongwer News Service/Ohio
17 S. High St., Suite 630, Columbus OH 43215

All Rights Reserved. This message and any attachments may not be forwarded or reproduced without express permission from Gongwer News Service.

[unsubscribe](#)



Daily Activity Planner for Friday, December 15

Legislative Committees

No legislative committees scheduled.

Agency Calendar

Board of Building Standards, Training Rm. 1, 6606 Tussing Rd., Reynoldsburg, 10 a.m.

Event Planner

No events scheduled.

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger,
Jon Reed, Staff Writers

© 2017, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.

Volume #86, Report #240 -- Thursday, December 14, 2017

Contingency Plan Set For Behavioral Health Redesign

Behavioral health providers who are unable to submit claims under a new coding system launched by the Department of Medicaid on January 1 will get a little bit of help with their cash flow, administration officials told lawmakers Thursday.

The announcement came as officials went before the Joint Medicaid Oversight Committee for the last time before the redesign's launch. The process has been delayed as lawmakers questioned whether providers were ready for a shift that could jeopardize their ability to provide care.

The contingency plan will allow providers who can't submit claims through the new system to request an advance equal to the state share of their average monthly reimbursement in 2017 for January, February and March, Medicaid Director Barbara Sears said. (ODM presentation)

The state share of reimbursement is 27.3%, and ODM plans to recover the payments by offsetting claims paid between April 1-June 30, Director Sears said.

"The priority for the state is to avoid any disruption in access to care for individuals receiving behavioral health services," she said.

Beyond the contingency plan, providers whose IT vendors are not ready to handle claims through the system can manually enter claims through an online portal, Director Sears said. Doing so is more time-consuming but will allow smaller providers to receive reimbursement.

ODM ran beta testing through Nov. 30, and the testing system remains open through Friday for providers and vendors to check their readiness, the director said. (Beta testing results)

During the testing period, 77 providers participated and all of them were able to submit clean claims and have them adjudicated, the director said. That meets a statutory requirement required in the budget bill (HB 49) that allows the redesign to move forward.

Ms. Sears told Rep. Mark Romanchuk (R-Mansfield) that about 170 providers had volunteered for the testing, and some said they weren't going to be ready in time for the beta test period but would be afterward. Others said their vendors had tested, others already billed on similar commercial codes and felt comfortable, and some said they intended to use the manual portal.

Rep. Romanchuk said he wanted the department to do an analysis to make sure it would be ready to handle questions and concerns from providers after the codes changed on the first of the year.

The department has staff and a rapid response room ready to handle issues, Director Sears said. Many of the questions are expected to be similar to those regularly handled by the department's provider ombudsman staff.

"Do we fully understand that there's going to be a lot of concern and a lot of issues right after? Absolutely," she said. "We know that that's the nature of any large change."

The contingency plan uses only the state dollars because the department won't receive federal dollars until a claim has been documented, the director told Sen. Lou Terhar (R-Cincinnati).

"We don't have the federal dollars to put at risk," she said.

JMOC Chairman Rep. Steve Huffman (R-Tipp City) said he was concerned that the contingency payments wouldn't be enough to keep providers in business.

The providers would still be able to submit claims manually, and they will likely be receiving reimbursement payments from December well into January, Director Sears said.

Tracy Plouck, director of the Department of Mental Health and Addiction Services, added: "That's something that could be used in concert with the advance if that makes sense for some claims,"

Providers criticized the contingency plan as insufficient given the risk to the system as a whole of they aren't able to bill and receive reimbursement.

"Behavioral Health providers have been diligently working to implement significant changes required for Behavioral Health Redesign and are in various stages of readiness for implementation on January 1, 2018," Lori Criss, CEO of the Ohio Council of Behavioral Health and Family Services Providers, said in a statement. "In the midst of an opiate and drug overdose crisis and rising suicides, we cannot risk what happened during the MyCare Ohio implementation."

"While we appreciate their efforts, we are disappointed with the ODM contingency plan offered at JMOC today," she said. "The administration's plan of paying 27% of a provider's claims will not support the demand for mental health and addiction services. We will continue to work with the administration to reach a solution that works for everyone, especially Ohioans trying to recovery from mental illness and addiction."

**State Hiring Third-Party Investigator To Review Future Medical Pot
Licensing Concerns**

The Department of Commerce is working with the attorney general's office to hire a third party to investigate future questions surrounding the application process for medical marijuana licenses.

That follows criticism in recent weeks after it was disclosed that one of more than 20 people the Department of Commerce used to evaluate applications from potential growers was charged in 2005 with a marijuana-related felony in Pennsylvania.

The situation prompted some officials to call for a halt to the program, casting a cloud over the process by which the agency last month awarded a number of provisional licenses - 12 for Level I cultivators and 11 for Level II cultivators. (See Gongwer Ohio Report, November 30, 2017)

Speaking to the Medical Marijuana Advisory Committee Thursday, Justin Hunt, COO of the department's Medical Marijuana Control Program, and agency director Jacqueline Williams mounted a full-throated defense of the agency's work so far.

"We are very confident in the process the department used not only to hire these subject experts used but also to score the applications in a fair, neutral and consistent manner," Mr. Hunt said, adding that the third party would only "further strengthen the process' integrity."

"Allegations or concerns by interested parties will be handled by that independent, third-party expert, but the department will retain authority to make the final decisions with regard to the results of any findings from that third party," Mr. Hunt said. "As soon as this process is entirely nailed down it will be communicated on our website (and) to the public. It will be very clear how this process will be followed."

He said issues or concerns with specific applications would continue to be addressed through the existing appeals process laid out in Chapter 119 of the Ohio Revised Code.

Ms. Williams said the scoring process was based on feedback from other states and stakeholders. Parts of that were recommendations to develop a blind scoring process and require each team of three reviewers to reach a consensus on specific applications. That, she said, ensured no one scorer had undue influence over the process.

"Undoubtedly the process was not perfect. I don't know what process is," she said. "But was the process fair and impartial? Absolutely."

The agency has said criticism is coming from those who missed out on cultivator licenses. The felony charge issue was brought to light by CannAscend Ohio, one of the applicants that did not receive a license. Ms. Williams and Mr. Hunt said those parties are free to pursue an appeal. (See Gongwer Ohio Report, December 1, 2017)

Members of the advisory group seemed encouraged by the department's handling of the process.

"I am just really very comfortable and impressed with the process that has taken place," member Marcie Seidel said. "This is as close to perfect as it can come. I regret there are people out there throwing hand grenades in the media to discredit it."

But committee member John Lenhart, the Shelby County sheriff, questioned the lack of background checks on the workers. In response, Ms. Williams said the department never does background checks on individuals hired as subject matter experts.

"We would not have looked at the background of any individual that we hire (in that capacity)," she said, adding that the scorer in question would not face a felony possession charge were he in that situation today under current Pennsylvania law. "We wouldn't have done anything any differently but we're well aware of...the fact that those individuals who are not satisfied with the outcome of this process will utilize that piece of information in order to discredit the entire process."

Still, Mr. Lenhart said the agency should reconsider that approach in order to regain any lost trust among the public. This situation, he said, "kicks me above the knees."

"I think the process is good," he said, "but it's like everything else we do in life: nobody remembers the good things we do. They remember when we stub our toe."

The department also unveiled the list of testing lab applications it has received from private entities. They include Keystone State Testing of Ohio, Quales OH, Battelle Memorial Institute, ACT Laboratories Inc., North Coast Testing Laboratories LLC, Cas Laboratories LLC, and Akrivis Lab LLC. That's on top of the previously reported applications from public institutions: Central State University and Hocking College. (See Gongwer Ohio Report, November 13, 2017)

State Board of Pharmacy: The board will allow applicants for dispensary licenses to amend their applications until 8 a.m., Dec. 20 after several recent online application issues.

Erin Reed, the board's senior legal counsel, said the board plans to award provisional licenses for dispensaries in spring 2018. Dispensaries would then be in operation the following September, she said.

That follows an application period that began Nov. 3 and closed Nov. 17 that resulted in 369 applicants who submitted and paid for applications. Up to 60 can ultimately be awarded, Ms. Reed said.

She also updated the committee on the board's efforts to create a toll-free hotline for patients, caregivers and professionals as required by law. Responses to the board's request for proposals were due Nov. 20.

"We received five responses on time to this RFP," Ms. Reed said. "Those responses are still under consideration at this time and we are working on awarding the contract."

Asked about scorers for the various applications, Ms. Reed said the board is prioritizing experience in subject matter areas such as patient care and security. She said the board will be subject to the same appeals process as the Department of Commerce for those whose applications do not pass muster.

State Medical Board: Chief legal counsel Kim Anderson briefed the committee on the board's progress in reviewing applications from physicians seeking certificates to recommend medical marijuana.

The board plans to conduct user acceptance testing for those physicians in February, Ms. Anderson said. Two hours of continuing medical education is required for those applicants.

Husted Pushes \$118M For Voting Equipment In Capital Budget

Secretary of State Jon Husted asked lawmakers on Thursday to appropriate \$118 million to purchase new voting systems that can be implemented and tested prior to the 2020 presidential election.

He requested that the funding be included in the capital budget bill, which is expected to move early next year.

"It is time for the state's leaders to step forward and approve a funding plan to replace Ohio's aging voting technology," he wrote in the letter to legislative leaders, Gov. John Kasich and Office of Budget & Management Director Tim Keen.

"Any plan must ensure that updated voting systems are implemented in time for the 2019 general election so that elections officials and voters alike are not using new voting equipment for the first time in the 2020 presidential election cycle," he continued.

Lawmakers and counties have considered the capital budget as a potential vehicle for the purchase of new elections equipment. (See Gongwer Ohio Report, November 24, 2017)

County officials have said they hope the equipment can be funded in a way similar to how the state helped purchase electronic pollbooks.

Work on the capital bill is expected to move quickly in the first few months of 2018. The bill is being eyed for introduction in February or early March, with final passage expected before April.

Secretary Husted said the Department of Administrative Services has already identified likely costs for the new systems, with the \$118 million figure identified for precinct count optical scan systems. Direct recording electronic machines and hybrid systems could be more expensive.

The secretary suggested the state pay for all of the capital acquisition and setup cost of the least expensive safe and accurate system from the least expensive vendor, with counties responsible for any ongoing costs for the system.

"Swift action on the part of the General Assembly to approve funding in the upcoming capital bill is necessary to ensure the appropriate runway for procurement, testing, and implementation timelines for proper deployment in advance of the 2020 presidential election cycle," he wrote.

Rep. Kathleen Clyde (D-Kent), a candidate for secretary of state, backed the proposal but suggested secure paper-ballot systems be used.

"As we in the legislature look to the future of voting machines in Ohio, we must be sure our local communities have the resources they need to run fair elections that are safe from cyberattacks," she said in a statement. "Aging equipment that stores ballots electronically on memory cards must be replaced with systems that use fully auditable, vote-marked paper ballots. We must modernize to meet the cyber security challenges that are upon us. My forthcoming legislation, the Ballot Security and Verification Act, will establish security standards to do just that."

Sen. Frank LaRose (R-Copley), a Republican running for secretary of state, has introduced a legislative proposal (SB 135) that would provide \$89 million, mostly through capital appropriations, to fund new voting equipment in 2019.

Rhoden Autopsies Will Remain Out Of Public View As Investigation Proceeds, High Court Rules

A divided Ohio Supreme Court on Thursday ruled that the Pike County Coroner's Office properly denied a public information request filed by two newspapers.

In a 4-3 decision authored by Chief Justice Maureen O'Connor, the high court found that the records requested by *The Cincinnati Enquirer* and *The Columbus Dispatch* fall under the confidential law enforcement investigatory records exemption.

Both newspapers sought to compel Pike County Coroner David Kessler to release the final, un-redacted autopsy reports of eight individuals murdered in a single night in April 2016 in a case that is still unsolved, the high court's media arm reported.

"Our conclusion recognizes that certain information contained in autopsy reports falls under one of the narrow exceptions to public disclosure for a temporary period," Chief Justice O'Connor wrote. "The exception is recognized for the information in autopsy reports that, for a time, constitutes CLEIR. Once the criminal investigation ends, CLEIR contained in autopsy reports may assume the status of public records and become available to the public. In order that justice might be delivered to all, patience may be required of some."

The newspapers had argued that under the law final autopsy reports do not qualify for the CLEIR exemption because a coroner is not a law enforcement official.

The court, however, rejected that argument.

"The General Assembly has recognized that a coroner plays an integral role in law enforcement investigations. For instance, to determine the cause of death, the coroner may issue subpoenas for witnesses, administer the witness oath, and inquire of witnesses how a death occurred. A coroner may even commit witnesses to jail under certain circumstances, and a judge can, on the coroner's application, compel compliance on threat of contempt," Chief Justice O'Connor wrote.

"It cannot be said that the coroner lacks authority to investigate a violation of law when, without the coroner's investigation, a murder could be mistaken for a natural death and no legal violation would be uncovered."

She was joined in her opinion by Justice Bill O'Neill, Eighth District Court of Appeals Judge Frank Celebrezze, sitting for Justice Judith French, and Twelfth District Court of Appeals Judge Robin Piper, sitting for Justice Patrick DeWine.

Justice Patrick Fischer and Justice Sharon Kennedy each issued dissenting opinions finding the documents do not meet the CLEIR exception and should be released. They were joined by Justice Terrence O'Donnell.

Both accused the majority of legislating from the bench.

"This court must refrain from rewriting the statute on the basis that it thereby improves the law," Justice Fischer wrote.

Justice Kennedy took aim at the majority's use of "investigative value" under the CLEIR exception, which she said "amounts to building a foundation on quicksand - where the exception swallows the rule."

"The only disservice done to the language of the statute and to the legislature is done at the hands of the majority by inserting its own policy-making decisions into the language of the statute," she wrote. "A body of four thereby elevates its policy preferences over the balanced and reasoned decision-making of the whole of the General Assembly."

Attorney General Mike DeWine's office is leading the investigation into the murders, and has been tight-lipped about developments. Around the one-year anniversary of the killings AG DeWine said progress is being made in the case, but offered few specifics. (See Gongwer Ohio Report, April 13, 2017)

JobsOhio Highlights Financial Technology Accelerator

JobsOhio and major companies in the state are celebrating the first group of startup financial technology businesses to complete an accelerator program they're backing.

Ten startups earlier this month graduated from the Fintech71 accelerator in Columbus, where the JobsOhio board met on Thursday.

The 10-week program, which awarded \$100,000 to chosen startups and provided them mentorship through partner companies, is sponsored by JobsOhio, Grange, Huntington, Accenture, Visa and Key Bank. A number of other corporations also served as partners and supporters.

JobsOhio Managing Director Valentina Isakina said Ohio is ripe for products in the realm of "fintech" -which is short for financial technology - because Ohio has the second largest concentration of financial institution headquarters in the country.

However, about 30% of traditional financial jobs in insurance and accounting are expected to disappear over the next 10-15 years as the sector becomes more data- and tech-driven, she said.

"That's a huge impact in our community that we need to balance out," she said.

They'll be replaced by Fintech, an area in which Ohio wants to be at the forefront, Ms. Isakina said. Jobs in that sector are being added to the economy quickly and are paying nearly twice as much as traditional financial jobs.

Innovations that are driving the shift include artificial intelligence, machine learning, blockchain, cryptocurrencies, and ownership of digital footprints, she said.

"We need to continue to think about the future because the future is coming with very different jobs," Ms. Isakina said.

Cheryl Lebens, who is the chief risk and strategy officer for Grange, said the mid-size insurance company wanted to partner with Fintech71 in part because of consumer desire for more innovative technology.

"Sponsorship was our big investment in innovation," she said.

Among the companies that took part in the pilot program was Steady, which is launching a phone application to help users optimize their incomes and acquire skills that match with available jobs.

Others include Elaftris, which deploys AI-based virtual insurance agents to attract and retain millennial customers, and PayKey, which allows banks to provide users access to banking service while text messaging.

The non-profit accelerator garnered national interest during the application period, with five of the companies that participated in the inaugural class coming from outside the U.S, according to JobsOhio. Two of the startups were Ohio based.

Also at the meeting, board members received an update on the economic development group's projects. JobsOhio President and CEO John Minor, said 227 projects had led to 82,000 new and retained jobs and \$5.3 billion in payroll as of Nov. 30.

There are currently 410 projects in the pipeline that could bring more than 67,000 jobs to the state, he said.

Medicaid Program Would See Federal Funding Cut If CHIP Not Reauthorized, Director Says

If Congress does not reauthorize the Children's Health Insurance Program, Ohio's Medicaid program would continue to cover enrollees at a less favorable federal funding match rate, officials said Thursday.

Medicaid Director Barbara Sears told the Joint Medicaid Oversight Committee that the state doesn't have a separate CHIP program like other states do. The program is managed by the Department of Medicaid, which would continue to run it once federal funding runs out, but at a greater cost to the state.

Asked by Rep. Emilia Sykes (D-Akron) what would happen if the federal government doesn't reauthorize the funding for the program, Director Sears said it would lead to a shift in how the coverage is funded.

"Instead of receiving the higher federal match of our CHIP program, it returns to traditional match," the director said. "We have an exposure on the federal-state share ratio, but we do not have a situation like other states where we would have to shut the program down."

Under CHIP, the program is 96.95% funded by federal money, according to ODM. If the program has to switch to the traditional Medicaid match, that ratio shrinks to 62.78%.

The state can't freeze enrollment or end the program even if there is no federal funding, ODM said. CHIP funding for Ohio could run out at the end of February.

ODM reported about 209,000 enrollees on average in Fiscal Year 2017 under the CHIP program.

The reauthorization of CHIP has been debated since federal funding expired on Sept. 30. The U.S. House passed an extension in November, but Democrats objected to the bill's offsets.

Democrats in Ohio's congressional delegation referred to the effort as a "veiled attempt to sabotage the Affordable Care Act." (See Gongwer Ohio Report, November 3, 2017)

Gov. John Kasich joined a bipartisan group of governors this week in sending a letter to congressional leaders urging them to reauthorize the program.

"In the absence of Congressional action, we have worked to protect coverage for children and pregnant women in each of our states, but we will need federal support to continue the program," the governors wrote. "Resources are nearly exhausted and some states already have begun to inform families that their children's coverage may end on January 31."

"Since its creation, CHIP has enjoyed strong bipartisan support," the letter continued. "We encourage you to work across the aisle to find common ground that will allow this important program to continue and give the families who rely on CHIP the peace of mind of knowing that their children will be able to get the health care they need in the new year."

Advocacy groups have pointed to CHIP as being an essential tool in addressing the state's high infant mortality rate. (See Gongwer Ohio Report, December 8, 2017)

Kasich Announces Process To Fill O'Neill's Seat On High Court

Gov. John Kasich on Thursday announced the procedure he will follow to replace outgoing Ohio Supreme Court Justice Bill O'Neill.

Applications to fill the seat will be accepted through Dec. 29. Finalists, who will be picked by Gov. Kasich, his staff and a screening committee of legal professionals, will be interviewed early next year.

Applications and additional information can be found on the governor's website.

The same process was used to fill the vacancy created by the resignation of former Justice Evelyn Lundberg Stratton in 2012.

Justice O'Neill, who would be barred from running for another term on the high court due to age limitations, recently announced he will step down from the bench on Jan. 26 to devote his time to campaigning for the Democratic nomination for governor. Many, including several lawmakers, argue he should have stepped down on Oct. 29, the day he announced his intent to seek the governorship. (See Gongwer Ohio Report, December 8, 2017)

Immediately after announcing his candidacy, with a campaign platform that includes the legalization of marijuana, calls for his resignation began. (See Gongwer Ohio Report, October 30, 2017)

Days later, the justice announced that he would recuse himself from any new cases. (See Gongwer Ohio Report, November 3, 2017)

However, Rep. Niraj Antani (R-Miamisburg) announced plans to introduce a concurrent resolution calling for Justice O'Neill to be removed from the bench for violating the Ohio Code of Judicial Conduct. (See Gongwer Ohio Report, November 9, 2017)

Justice O'Neill's candidacy quickly ran in to trouble after a Facebook post in which he seemingly bragged about his sex life and equated it with allegations of sexual indiscretions levied against U.S. Sen. Al Franken (D-Minn.). The post led some of his fellow Democratic gubernatorial candidates to call for his resignation. (See Gongwer Ohio Report, November 17, 2017)

The Ohio Republican Party has endorsed Seventh District Court of Appeals Judge Mary DeGenaro and Fifth District Court of Appeals Judge Craig Baldwin for the two Supreme Court seats that will be on the ballot in 2018.

Lawmaker Looks To Shield Images Featuring Nudity, Victims Of Sex Crimes From Public Release

A bipartisan effort is underway to carve out another exemption in the state's public record law.

A bill (HB 451) introduced by Rep. Wes Retherford (R-Hamilton) would allow for photographs, film, videotape, digital images and visual or printed material to be withheld if it depicts the victim of an offense in a state of nudity.

Dubbed the "Victims Privacy and Protection Act," the legislation would also exempt from release images featuring the victim of a sexually oriented offense.



Rep. Retherford

"When I was informed of the possibility of these victims of sexually oriented crimes having their images of an embarrassing nature be subject to public records request, I immediately started to work to find a fix," Rep. Retherford said.

"I believe this bill is an appropriate balance of protecting victims while not hampering our very strong transparency laws. We should recognize the need to prevent re-victimizing these individuals and work to fix this loophole."

The measure is in response to a 2016 case in which the Ohio Supreme Court ruled that most law enforcement records pertaining to an investigation become public at the conclusion of a trial. (See Gongwer Ohio Report, December 28, 2016)

Attorney Donald Caster had sought Columbus Division of Police records involving the investigation of Adam Saleh, who was convicted of the 2007 murder, kidnapping and attempted rape of Julie Popovich. Mr. Saleh was sentenced to 38 years to life in prison, a conviction that was upheld at the appellate court level. The high court declined to review the appellate court's decision.

The OIP sought the records in Mr. Saleh's case in 2013 when he was no longer actively appealing his case. However, CDP failed to turn over many of the records requested, citing the "confidential law enforcement investigatory records" exemption.

Rep. Retherford said he learned of the possibility of records featuring nudity or victims of sex crimes being released from a local police detective in his district who went through routine public records training.

The bill has broad support, with nearly 70 co-sponsors.

The Ohio News Media Association, however, deems the measure "unnecessary."

"Rep. Retherford invited our comments in advance of the introduction, and we thank him for that opportunity. While this legislation obviously is well-intentioned, it's unnecessary and adds yet another exception to the ever-growing list of exemptions to our open records law," Executive Director Dennis Hetzel said.

"Ohio already recognizes a constitutional right to privacy, and there are no examples to our knowledge of such images being released. We also are concerned that the language lacks specificity and could lead to the withholding of additional public records."

Report Reveals Cost Of High Court Races; O'Brien Scores Endorsements For Congressional Bid; Unions Back Whaley; Cordray Adds Jones Staffer...

Nearly \$3.4 million was spent last year in three Ohio Supreme Court races, one of which was uncontested, according to a new report.

Released by the Brennan Center for Justice at NYU School of Law and the National Institute on Money in State Politics, the report, "Who Pays for Judicial Races?: The Politics of Judicial Elections 2015-16," found that Ohio's spending on high court races ranked eighth in the country over the two-year period examined.

The report raises concerns that the high cost of judicial races could influence decision-making and alludes to Justice Bill O'Neill in noting that its release coincides with a sitting Supreme Court justice "refusing to recuse himself from cases despite actively campaigning for another office."

A total of \$3.1 million was raised by high court candidates in Ohio last year, with another \$233,960 spent by the Republican State Leadership Committee's Judicial Fairness Initiative, the report found.

The report also found that over the two-year period examined, Justice Patrick DeWine was the fifth most prolific fundraiser, pulling in \$1.1 million in his race against Eleventh District Court of Appeals Judge Cynthia Rice.

The report also found that Ohio ranked ninth in television ad spending at \$1.3 million resulting in 4,490 spots.

"Judges are not politicians, and they should rule based on their understanding of what the law requires, not based on political or special interest pressures," Alicia Bannon of the Brennan Center said. "If a judge receives substantial campaign support from someone appearing before the court, they should have to recuse themselves from that case. Paired with robust campaign disclosure laws, an objective recusal policy would help promote public confidence in the integrity of the courts."

Congressional Bid: Delaware County Prosecutor Carol O'Brien received a boost in her bid for the 12th Congressional District seat Thursday when she announced nearly all of her fellow non-judicial, county-wide elected officials endorsed her candidacy.

Delaware County Sheriff Russ Martin cited Ms. O'Brien's role on the front lines fighting the opioid crisis in announcing his decision.

"I'm confident that Carol O'Brien will be a voice for not only law enforcement, but the whole community on issues that impact our quality of life, while protecting our regional and national interest," he said.

Added Ms. O'Brien: "I'm proud to have the support from such a strong and diverse group of leaders. I've had the privilege of working in concert with our county's elected officials over the years. They know me, and know that I will continue to fight for the values and ideas we share in Congress. I am thankful for their continued support as we move forward in this campaign."

Another Delaware County politician still weighing an entry into the race, Sen. Kris Jordan (R-Ostrander), said the endorsements will play no role in his decision.

"It doesn't matter who the political bosses and the establishment support," he said. "I've seen a couple of polls and that's not who the people support."

The already crowded primary field includes Sen. Kevin Bacon (R-Minerva Park), Sen. Troy Balderson (R-Zanesville), Brandon Grisez and Jon Halverstadt.

On the Democratic side, John Russell, Ed Albertson, John Peters, Doug Wilson and former Franklin County Sheriff Zach Scott are running for the seat.

Union Endorsements: Dayton Mayor Nan Whaley announced three unions are backing her gubernatorial bid.

IBEW Local 82, Plumbers & Pipefitters Local 162 and IAFF Local 136 are endorsing her candidacy.

"After years of failed leadership that's more interested in catering to special interests than listening to the workers of our state, we need someone who represents us in the governor's office," said IAFF Local 136 President Steve Dunham. "That's why we're proud to endorse Nan Whaley for Governor of Ohio. Nan gets it. She gets our communities. And she gets it done. That's the kind of governor that Ohio needs."

Added Mayor Whaley: "Our state is home to the hardest-working people in the nation, and I'm proud of our skilled and talented workforce. What we don't have is a governor and administration that respects the dignity of work. Our state needs forward-thinking leadership that prioritizes our workforce and is dedicated to bringing good-paying careers back to our state. And I look forward to bringing labor and our workers back to the table as we move our state into the future."

Jones Staffer: Rich Cordray is staffing up in his gubernatorial bid, and he's seeking to tap into the fundraising prowess that helped Doug Jones to pull off an upset victory in a U.S. Senate special election in Alabama this week.

The campaign has hired Antonia Koch to serve as finance director, the same role she held for the campaign of Mr. Jones.

"She is a formidable fundraiser and adviser who will help ensure we have the resources we need to connect with voters and get our message out," Mr. Cordray said.

Trump Connection: A Cleveland-area businessman continues to successfully court those linked to President Donald Trump.

Mike Gibbons' campaign announced that former state lawmaker Joy Padgett, who chaired Ohio Women for Trump, has endorsed his candidacy.

"Mike is the perfect candidate to defeat Sherrod Brown and get results for Ohioans in the U.S. Senate," she said. "He's an outsider and not a career politician who will always fight for the people of Ohio. With a career in the private sector, Mike knows how to get things done and will always put the people of Ohio before the special interests."

Medical Marijuana: U.S. Rep. Jim Renacci (R-Alliance) is again taking aim at the process the state utilized for awarding medical marijuana cultivators' licenses, calling the program "corrupt." (See separate story)

"We should not move forward without a full investigation so the voters have confidence in the system to handle marijuana licensing. We simply cannot say they do today," he said.

Gongwer Statehouse Job Market Updated

Gongwer's Statehouse Job Market has been updated. The update is available on the Gongwer website.

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to gongwer@gongwer-oh.com.

Supplemental Agency Calendar

Monday, December 18

Board of Building Appeals, Division of Industrial Compliance, 6606 Tussing Road, Training Room 1, Reynoldsburg, 12:30 p.m.

Tuesday, December 19

Board of Building Appeals, Division of Industrial Compliance, 6606 Tussing Road, Training Room 1, Reynoldsburg, 8 a.m.

Mine Subsidence Insurance Governing Board, Bldg. H, 2nd Fl., 2045 Morse Rd., Columbus, 10 a.m.

Wednesday, December 20

BWC Board of Directors, Rm. 3, Level 2, 30 W. Spring St., Columbus, 8:30 a.m. (The Governance Committee meets 8:30 to 9 a.m.; the Actuarial Committee 9 to 10 a.m.; the Investment Committee 10 a.m. to Noon; the Audit Committee 1 to 2:30 p.m.; and the Medical Services and Safety Committee 2:30 to 4:30 p.m. The Actuarial, Investment and Medical Services and Safety Committee meetings may begin earlier if the preceding meeting adjourns earlier than scheduled)

Construction Industry Licensing Board, 6606 Tussing Road, OCILB Conference Room, Reynoldsburg, 10 a.m. (Administrative Section)

Thursday, December 21

BWC Board of Directors, Rm. 3, Level 2, 30 W. Spring St., Columbus, 8 a.m.

Tuesday, January 9

Board of Landscape Architects, 77 S. High St., 31st Flr. Board Room, Columbus, 2 p.m.

Supplemental Event Planner

Tuesday, December 19


Division of Unclaimed Funds public hearing, 77 South High Street, 22nd Floor, Columbus, 10 a.m.

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2017, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.



Senate Activity for Thursday, December 14, 2017

DELIVERED TO THE GOVERNOR

SB 8

BUDGET UPDATE (Gardner, R., Terhar, L.) To establish the 1:1 School Facilities Option Program, to revise the law regarding applied bachelor's degree programs offered at two-year state institutions of higher education, to modify the schedule for phasing down tangible personal property tax reimbursement payments to school districts, to modify the payment cap in the school funding formula, to modify the law governing the establishment and operation of transportation financing districts, to modify county funding sources for a tourism development district, to modify the veterans organizations grant program, to allow county sheriffs to contract with municipal courts and county courts for the transportation of persons between the county jail and a county court or municipal court, to make deputy sheriffs ex officio bailiffs of county courts and municipal courts, to revise eligibility for School Employees Retirement System pension and benefit recipients' annual cost-of-living adjustments, to repeal a provision regarding acceptance of prior college courses by state institutions of higher education, to authorize a tax credit for insurance companies that provide capital to investment funds investing in businesses in rural areas, to exempt corrective eyeglasses and contact lenses from sales and use tax beginning July 1, 2019, to provide that wages and guaranteed payments paid by a professional employer organization to the owner of a pass-through entity that has contracted with the organization may be considered business income, to make appropriations, to modify earmarks, and to make changes to reappropriations for grants related to the Lakes in Economic Distress Revolving Loan Program.

SB 33

LAW ENFORCEMENT DATA (Eklund, J.) To allow disclosure of information from the law enforcement automated data system (LEADS) to a defendant in a traffic or criminal case; to authorize a court to continue on intervention in lieu of conviction an offender who is on it and violates any of its terms or conditions; and to allow certain state highway patrol troopers to administer oaths and acknowledge criminal and juvenile court complaints, summonses, affidavits, and returns of court orders in matters related to their official duties.

SB 71

AGENCY CONTRACTS (Manning, G.) To allow a board of alcohol, drug addiction, and mental health services to authorize its executive director to execute contracts valued at \$25,000 or less without the board's prior approval and to allow temporary cash transfers to the Targeting Addiction Assistance Fund.

17 S. High St., Suite 630
Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2017, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.



House Activity for Thursday, December 14, 2017

INTRODUCED

HB 451 ■ **PUBLIC RECORDS** (Retherford, W.) To exclude from the definition of public record under the Public Records Law any depiction by photograph, film, videotape, or digital, visual, or printed material of victims of crime under specified circumstances dealing with the victims' bodily privacy. Am. 149.43

DELIVERED TO THE GOVERNOR

HB 132 ■ **FANTASY CONTESTS** (Dever, J., McColley, R.) To grant the Ohio Casino Control Commission the authority to regulate fantasy contests and to exempt fantasy contests from the gambling laws.

HB 174 ■ **FRANKLIN COUNTY COURT** (Hughes, J., Lanese, L.) To add two judges to the Domestic Relations Division of the Franklin County Court of Common Pleas, one to be elected in 2018 and one to be elected in 2020, and to declare an emergency.

HB 199 ■ **MORTGAGE LENDING** (Blessing, L.) To create the Ohio Residential Mortgage Lending Act for the purpose of regulating all non-depository lending secured by residential real estate, to limit the application of the current Mortgage Loan Law to unsecured loans and loans secured by other than residential real estate, and to modify an exemption to the Ohio Consumer Installment Loan Act.

17 S. High St., Suite 630
Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger,
Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2017, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.



Legislative Committee Schedules beginning 12/15/2017

Tuesday, December 19

~~Canceled: Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.~~


- If needed

~~Canceled: Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.~~

- If needed

Wednesday, December 20

~~Joint Education Oversight Committee (Committee Record) (Chr. Cupp, R., 466-8150), 77 S. High St., Rm. 1948, 1 p.m.~~

NOTE: Click bill or resolution number links to see the legislative history compiled by Gongwer News Service. Click the  after a bill number to create a saved search and email alert for that bill. Click "Full Text" if present to view the text of legislation on the Legislature's Web site.

17 S. High St., Suite 630
Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger,
Jon Reed, Staff Writers

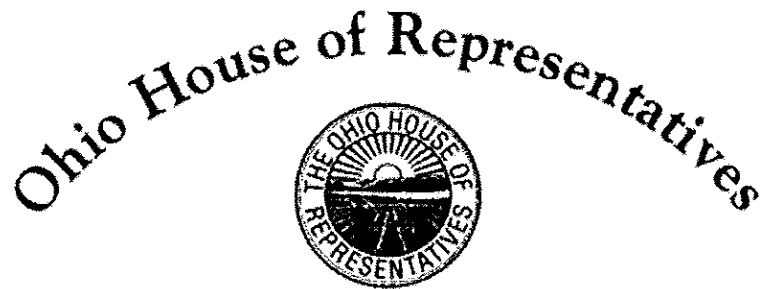
© 2017, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.

From: Rep45

Sent: Thursday, December 14, 2017 7:09 PM

To: House_All

Subject: Invitation to the 9th Annual Human Trafficking Awareness Day



Representative Teresa M. Fedor
Ohio House District 45

Representative Tavia Galonski
Ohio House District 35

To Whom It May Concern,

We would like to extend an invitation to you and your students to the 9th Annual Human Trafficking Awareness Day on **January 11, 2018 from 8:30AM to 4:00PM** at the Ohio Statehouse in Columbus.

Representative Fedor has been hosting the Human Trafficking Awareness Day for eight years, bringing professionals from across Ohio to the Statehouse to discuss the fight against human trafficking in all forms. Last year, she opened up a second day to students from around Ohio to come to the Statehouse and be a part of the solution. This year, Representative Galonski will be joining as a co-host for both the Human Trafficking Awareness Day and Youth Prevention Summit.

We have expanded the Human Trafficking Awareness Day events greatly: we will have concurrent panels throughout the day on healthcare, the judiciary, law enforcement, labor trafficking, legal, and social work/NGOs, with each panel occurring twice. Our lunch speaker will be Megan Mattimoe, founder of Advocating Opportunity and who has over twenty years of experience in public service work, including at the YWCA Rape Crisis Center, Legal Aid of Western Ohio, and Advocates for Basic Legal Equality. We welcome all interested legislators, staff, and other interested parties to attend the day.

To register, please follow this link to the 9th Annual Human Trafficking Awareness Day's EventBrite:

<https://www.eventbrite.com/e/9th-annual-human-trafficking-awareness-day-registration-37654605940?aff=es2>

We look forward to seeing you at the Human Trafficking Awareness Day.

Warmest Regards,

A handwritten signature in black ink, appearing to read "Teresa Fedor". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Representative Teresa Fedor Representative Tavia Galonski
Ohio House of Representatives, District 45 Ohio House of Representatives, District 35

614-644-6017 614-644-6037

77 South High Street, 10th Floor 77 South High Street, 10th Floor
Columbus, Ohio 43215 Columbus, Ohio 43215

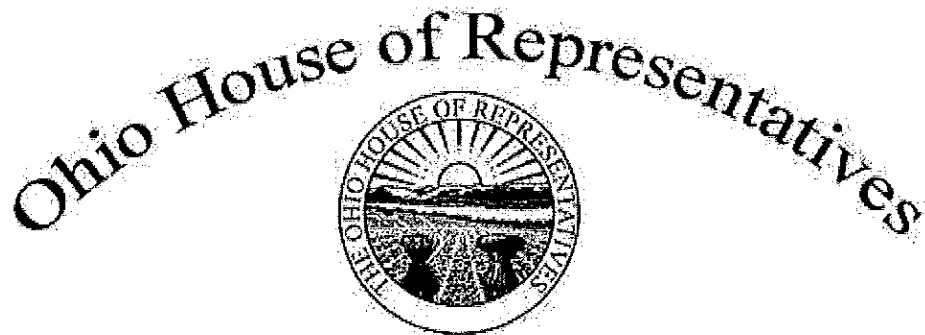
From: Michalowski, Joe

Sent: Friday, December 15, 2017 11:38 AM

To: Michalowski, Joe

Subject: Becker Co-sponsor Request: Six Right-to-Work Constitutional Amendments

Attachments: Co-sponsor Request- Six Right-to-Work Constitutional Amendments.pdf



Representative John Becker
Ohio's 65th House District

MEMORANDUM

To: GOP House Members

From: Representative John Becker

Date: Friday, December 15, 2017

RE: Co-Sponsor Request: Six Right-to-Work Constitutional Amendments

The following are six separate Right-to-Work related constitutional amendments in no particular sequence. Please join me in co-sponsoring one or more of the below:

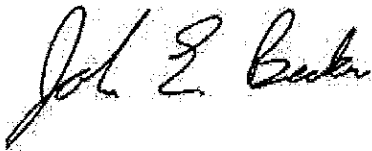
1. Private-sector Right-to-Work – No worker should be required to subsidize a union as a condition of employment. Additionally, this will tell the world that Ohio is “open for business.”
2. Public-sector Right-to-Work – This is about freedom of association. Like for the private sector, no worker should be required to subsidize a union as a condition of employment.
2. Public-sector Prevailing Wage – Repeals the requirement for taxpayers to pay artificially inflated wages, rather than those that are market-based.

3. **Public-sector Paycheck Protection** – This prohibits state and local government employers from withholding union dues or fees from workers' wages. Additionally, unions will be prohibited from spending workers' money on political activities without workers' consent.
4. **Public-sector Project Labor Agreements** – This is the Michigan model approved by the US Court of Appeals for the Sixth Circuit. State and local government entities will be prohibited from engaging in contracts that minimize competition for construction projects by requiring that only union or non-union labor can be considered. A level playing field will be required.
5. **Public-sector Union Recertification** – Requires annual reconsideration and recertification of workers' bargaining units. This will open up competition for new bargaining units, will give workers a chance to have their voices heard, and will make union leadership accountable to their membership.

These proposals simply ask the General Assembly to put them on the ballot for the people to vote on them individually. Twenty-eight states and four out of five of Ohio's neighboring states have enacted Right-to-Work laws. Clearly, the nation's future is for all workers to have the right to work free of the burden of mandated union payments as a condition of employment. Ohio is being left behind, and it is time for the people to decide Ohio's future.

If you would like to co-sponsor this legislation or have any questions, please contact Joe Michalowski at (614) 466-8134 or joe.michalowski@ohiohouse.gov. Please indicate which constitutional amendment(s) you wish to co-sponsor. **The deadline to co-sponsor is Wednesday, December 20, 2017, at 4:00 P.M.**

Thank you for your time and consideration of this legislation.



John Becker
State Representative
65th House District

Ohio House of Representatives



Representative John Becker
Ohio's 65th House District

MEMORANDUM

To: GOP House Members
From: Representative John Becker
Date: Friday, December 15, 2017
RE: Co-Sponsor Request: Six Right-to-Work Constitutional Amendments

The following are six separate Right-to-Work related constitutional amendments in no particular sequence. Please join me in co-sponsoring one or more of the below:

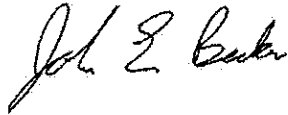
1. Private-sector Right-to-Work – No worker should be required to subsidize a union as a condition of employment. Additionally, this will tell the world that Ohio is “open for business.”
2. Public-sector Right-to-Work – This is about freedom of association. Like for the private sector, no worker should be required to subsidize a union as a condition of employment.
3. Public-sector Prevailing Wage – Repeals the requirement for taxpayers to pay artificially inflated wages, rather than those that are market-based.
4. Public-sector Paycheck Protection – This prohibits state and local government employers from withholding union dues or fees from workers’ wages. Additionally, unions will be prohibited from spending workers’ money on political activities without workers’ consent.
5. Public-sector Project Labor Agreements – This is the Michigan model approved by the US Court of Appeals for the Sixth Circuit. State and local government entities will be prohibited from engaging in contracts that minimize competition for construction projects by requiring that only union or non-union labor can be considered. A level playing field will be required.
6. Public-sector Union Recertification – Requires annual reconsideration and recertification of workers’ bargaining units. This will open up competition for new bargaining units, will give workers a chance to have their voices heard, and will make union leadership accountable to their membership.

These proposals simply ask the General Assembly to put them on the ballot for the people to vote on them individually. Twenty-eight states and four out of five of Ohio’s neighboring states

have enacted Right-to-Work laws. Clearly, the nation's future is for all workers to have the right to work free of the burden of mandated union payments as a condition of employment. Ohio is being left behind, and it is time for the people to decide Ohio's future.

If you would like to co-sponsor this legislation or have any questions, please contact Joe Michalowski at (614) 466-8134 or joe.michalowski@ohiohouse.gov. Please indicate which constitutional amendment(s) you wish to co-sponsor. The deadline to co-sponsor is Wednesday, December 20, 2017, at 4:00 P.M.

Thank you for your time and consideration of this legislation.

A handwritten signature in black ink that reads "John E. Becker". The signature is written in a cursive style with a large, stylized "J" and "B".

John Becker
State Representative
65th House District

From: American Bail Coalition

Sent: Friday, December 15, 2017 3:24 PM

To: Rep76

CC: jclayton@americanbail.org

Subject: Buckeye Institute needs to go back to the drawing board on Bail Reform

 Outlook

Dear Representative LaTourette,

As government stewards, elected officials, and stakeholders in the safety of the citizens of Ohio, I write to you today concerning the ongoing misinformation regarding bail reform.

You may have recently been given a copy of a report from the Buckeye Institute, entitled **"Money Bail" Making Ohio A More Dangerous Place to Live**. This report contains so many errors and incomplete information that, frankly, it should be discarded. Yet, we wanted to take an opportunity to counter some of the claims made in the report and set the bail reform debate into the proper context.

First, "money bail= 2 is not making Ohio a more dangerous place to live. The bail system in Ohio is essentially the same one being run since statehood. The right to bail is enshrined in the Ohio constitution, and Judges have discretion to set the "type, amount, and conditions" of bail. This is also why 69% of judges in a recent National Judicial College Survey did not agree with the elimination of money bail from the system.

Second, what does the Buckeye Institute's new bail utopia cost? New Jersey's program, given as an example, will run out of money on July 1, 2018 unless the legislature completely overhauls the funding of that program. The costs to implement such a program were in excess of \$1 billion in California. Added to that, not only are there not savings, as both Administrative Judge Glenn Grant in New Jersey and the California Chief Justice concur, the costs of shifting away from monetary bail to risk assessments and supervision will largely not materialize and the cost the State and Counties millions of dollars.

Third, the litany of examples cited by the report as horrifying cases where someone was able to post bail begs the question as to what the Buckeye Institute would do with such cases. Yet, the Ohio Constitution already covers this, giving the power to prosecutors to prove the danger or risk of flight and deny bail. The report suggests that somehow a risk assessment will fix the

problem, yet the results of the assessment do not relieve a prosecutor of having to put up the proof necessary to achieve the result.

The report argues that several jurisdictions are seeing tremendous results due to bail reform, but this relies on the results generated by a private foundation that provides a free proprietary risk assessment tool and does its own evaluation of the results. It should come as no surprise that they think it works. **Instead, in sworn testimony, a national expert testified in federal court that the Lucas County, Ohio program has very high failure rates, including 47% of high risk cases. As a result of that testimony, the attorneys in the case concluded that Lucas County, Ohio had created a culture of "non-accountability" in its bail system.**

In San Francisco, the report issued there found that 27% of defendants did not show up under the risk assessment model. In New Jersey, the state has failed to release any numbers, and the report's citation to crime figures does not prove that bail reform has anything to do with that since New Jersey's prison population has declined every year for 15 years - and the population had been declining by double digits leading up to bail reform. Of course, New Jerseys' algorithm is releasing prior felons in possession of firearms, counting them as low risk, similar to what is going on in New Mexico.

Risk assessments are indeed not a magic bullet, and there have been serious criticisms lodged against them which the Buckeye Institute report completely ignores. Researchers at New York University concluded: **"The use of such systems by public agencies raises serious due process concerns, and at a minimum they should be available for public auditing, testing, and review, and subject to accountability standards."** Former US Attorney General Eric Holder has also cautioned jurisdictions who using risk assessments saying they "may exacerbate unwarranted and unjust disparities that are already far too common in our criminal justice system and in our society." Several additional recent studies and experts have called into question the race and gender neutrality of such algorithms, and the jury is certainly still out on that question. Indeed the utter lack of transparency of such algorithms is of serious concern.

The Buckeye Institute decides to then demean the bail industry for helping persons exercise their right to bail in Ohio and provide accountability to the Courts. The report cites no statistics on the effectiveness of surety bail in Ohio. That's not to say that adjustments cannot be made, but national data as well as data in Ohio back up the fact that private bail is effective and efficient because it is typically a third-party benefit provided to the State and a defendant at no cost to the State.

Sadly, the Buckeye Institute has sunk to the level of citing newspaper articles as some proof of the key points it makes. It does such surface-level analysis that clearly the conclusion informed the selection of the "research" that is cited. For example, the fact that 57% of persons in jail are awaiting trial tells us nothing—how many of those persons are on a non-monetary hold? Or, what is their prior criminal history, and what would the risk

assessment say about them based thereon? How many are there because their attorneys are advising them to take a time-served deal? The Buckeye Institute needs to go back to the drawing board with its assessment of bail reform. Moving away from "money bail" has not proven to deliver on its promises. While adjustments to the system can always be made, putting our blind faith in "black-box" algorithms to fix the problem is not only unproven, it is simply naïve.

Sincerely,

Jeff Clayton
Executive Director
American Bail Coalition
(877) 958-6628

From: report@hannah.com
Sent: Monday, December 18, 2017 6:30 PM
To: DL_Hannah
Subject: Hannah News Stories for Monday, December 18, 2017

Monday, December 18, 2017

IN TODAY'S HANNAH REPORT:

Please click here to read the entire Hannah Report.

Today's Stories

- [Kasich Seeks to Give Last 'State of State' in Westerville on March 6](#)
- [Kasich Names Laubert Acting Director of ODA](#)
- [Senate Plans to Address Voting Machine Funding, Obhof Says](#)
- [Controlling Board Approves Combined DYS/DRC Office Lease](#)
- [IG Chides DAS for IT Procurement Practices](#)
- [Becker Proposes Six Right to Work Constitutional Amendments](#)
- [ODH Elevates Flu Level to 'Widespread'](#)
- [Turnpike Commission Approves Budgets, Toll Modernization Plans](#)
- [OSU Toy Adaptation Program Helps Fix Toys for Children with Special Needs](#)
- [By the Numbers: Legislative Activity in 2017](#)
- [State Government Roundup: ODNr](#)
- [Campaign Corner: Jolivet; Endorsements](#)
- [Ohio Digest: U.S. HHS](#)
- [Ohio Attorney General Opinion Request](#)
- [Judicial Actions: Parades; Opinion](#)

© 2017 Hannah News Service, Inc., Columbus, Ohio. Unauthorized redistribution or reproduction prohibited.

Hannah News Service, Inc. | 21 W. Broad Street, Suite 1000, Columbus, Ohio 43215 | 614.227.5820 | www.hannah.com

From: We Are Ohio
Sent: Tuesday, December 19, 2017 4:02 PM
To: Rep76
Subject: Say No To Anti-Worker Legislation

Unsubscribe

It appears that you have subscribed to commercial messages from this sender. To stop receiving such messages from this sender, please [unsubscribe](#)



December 19, 2017

Dear Assistant Majority Floor Leader LaTourette,
As Chairman of We Are Ohio, I am writing to ask you not to sign on as a co-sponsor to Representative John Becker's anti-worker legislation and to oppose Rep. Becker's efforts to hurt working families in your district and across Ohio.

Rep. Becker, we believe, is pursuing an anti-worker agenda pushed by out-of-state interests like the Koch brothers, Americans for Prosperity and the American Legislative Exchange Council (ALEC).

He has outlined six separate constitutional amendments that are all designed to hurt workers, lower wages, decrease safety in the workplace and cause further economic insecurity for the people that you serve.

On behalf of We Are Ohio, I'm asking you to stand for workers in your district and our state and to stand against these out-of-state parties. I'm sure you would agree that Ohio elected officials should represent the people of Ohio, not out of state interests.

We Are Ohio was formed in 2011 when a similar threat to workers' security was passed by the Ohio General Assembly and signed into law by Governor Kasich. We asked the citizens to veto Senate Bill 5 that year and restore collective bargaining rights to public sector employees, and they responded with historic numbers.

Nearly 1.3 million Ohioans signed petitions to put the citizens veto on the ballot, 17,000 Ohioans volunteered for the campaign and, on Election Day, 2.1 million Ohioans voted to veto Senate Bill 5 by a 62-38 margin.

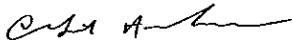
We Are Ohio has remained a force since then. We have held meetings all across the state, have a huge online presence and maintain a database and email list of nearly 1 million voters who agreed with us in 2011.

We believe that the prudent course here is for the legislature to steer away from any anti-worker laws, amendments or ballot initiatives and we ask for your support.

Governor Kasich has acknowledged that such legislation does not attract business to our great state.

I'm respectfully asking you to tell Representative Becker that his ideas are harmful and divisive and that we don't want history to repeat itself.

Sincerely,



Christopher Mabe
Chairman - We Are Ohio

We Are Ohio
545 E. Town St.
Columbus, OH 43215

If you believe you received this message in error or wish to no longer receive email from us, please unsubscribe.

From: American Bail Coalition

Sent: Tuesday, December 19, 2017 9:35 PM

To: Price, Ciara

CC: jclayton@americanbail.org

Subject: Buckeye Institute needs to go back to the drawing board on Bail Reform

 OUTLOOK

Dear Ms. Price,

As government stewards, elected officials, and stakeholders in the safety of the citizens of Ohio, I write to you today concerning the ongoing misinformation regarding bail reform.

You may have recently been given a copy of a report from the Buckeye Institute, entitled **"Money Bail" Making Ohio A More Dangerous Place to Live**. This report contains so many errors and incomplete information that, frankly, it should be discarded. Yet, we wanted to take an opportunity to counter some of the claims made in the report and set the bail reform debate into the proper context.

First, "money bail" is not making Ohio a more dangerous place to live. The bail system in Ohio is essentially the same one being run since statehood. The right to bail is enshrined in the Ohio constitution, and Judges have discretion to set the "type, amount, and conditions" of bail. This is also why 69% of judges in a recent National Judicial College Survey did not agree with the elimination of money bail from the system.

Second, what does the Buckeye Institute's new bail utopia cost? New Jersey's program, given as an example, will run out of money on July 1, 2018 unless the legislature completely overhauls the funding of that program. The costs to implement such a program were in excess of \$1 billion in California. Added to that, not only are there not savings, as both Administrative Judge Glenn Grant in New Jersey and the California Chief Justice concur, the costs of shifting away from monetary bail to risk assessments and supervision will largely not materialize and the cost the State and Counties millions of dollars.

Third, the litany of examples cited by the report as horrifying cases where someone was able to post bail begs the question as to what the Buckeye Institute would do with such cases. Yet, the Ohio Constitution already covers this, giving the power to prosecutors to prove the danger or risk of flight and deny bail. The report suggests that somehow a risk assessment will fix the

problem, yet the results of the assessment do not relieve a prosecutor of having to put up the proof necessary to achieve the result.

The report argues that several jurisdictions are seeing tremendous results due to bail reform, but this relies on the results generated by a private foundation that provides a free proprietary risk assessment tool and does its own evaluation of the results. It should come as no surprise that they think it works. **Instead, in sworn testimony, a national expert testified in federal court that the Lucas County, Ohio program has very high failure rates, including 47% of high risk cases. As a result of that testimony, the attorneys in the case concluded that Lucas County, Ohio had created a culture of "non-accountability" in its bail system.**

In San Francisco, the report issued there found that 27% of defendants did not show up under the risk assessment model. In New Jersey, the state has failed to release any numbers, and the report's citation to crime figures does not prove that bail reform has anything to do with that since New Jersey's prison population has declined every year for 15 years - and the population had been declining by double digits leading up to bail reform. Of course, New Jersey's algorithm is releasing prior felons in possession of firearms, counting them as low risk, similar to what is going on in New Mexico.

Risk assessments are indeed not a magic bullet, and there have been serious criticisms lodged against them which the Buckeye Institute report completely ignores. Researchers at New York University concluded: **"The use of such systems by public agencies raises serious due process concerns, and at a minimum they should be available for public auditing, testing, and review, and subject to accountability standards."** Former US Attorney General Eric Holder has also cautioned jurisdictions who using risk assessments saying they "may exacerbate unwarranted and unjust disparities that are already far too common in our criminal justice system and in our society." Several additional recent studies and experts have called into question the race and gender neutrality of such algorithms, and the jury is certainly still out on that question. Indeed the utter lack of transparency of such algorithms is of serious concern.

The Buckeye Institute decides to then demean the bail industry for helping persons exercise their right to bail in Ohio and provide accountability to the Courts. The report cites no statistics on the effectiveness of surety bail in Ohio. That's not to say that adjustments cannot be made, but national data as well as data in Ohio back up the fact that private bail is effective and efficient because it is typically a third-party benefit provided to the State and a defendant at no cost to the State.

Sadly, the Buckeye Institute has sunk to the level of citing newspaper articles as some proof of the key points it makes. It does such surface-level analysis that clearly the conclusion informed the selection of the "research" that is cited. For example, the fact that 57% of persons in jail are awaiting trial tells us nothing—how many of those persons are on a non-monetary hold? Or, what is their prior criminal history, and what would the risk

assessment say about them based thereon? How many are there because their attorneys are advising them to take a time-served deal? The Buckeye Institute needs to go back to the drawing board with its assessment of bail reform. Moving away from "money bail" has not proven to deliver on its promises. While adjustments to the system can always be made, putting our blind faith in "black-box" algorithms to fix the problem is not only unproven, it is simply naïve.

Sincerely,

Jeff Clayton
Executive Director
American Bail Coalition
(877) 958-6628

From: Westlake, Libby
Sent: Wednesday, December 20, 2017 8:39 AM
To: Westlake, Libby
Subject: E-Clips for 12/20/2017

HOUSE E-CLIPS

12/20/2017

The Columbus Dispatch
Ohio's Greatest Online Newspaper

REPORT SUGGESTS STATE AGENCY ALREADY HAS VIOLATED NEW CONTRACTING POLICY

After The Dispatch revealed the Ohio Department of Administrative Services awarded \$15 million in unbid contracts to favored information-technology consultants, the agency promised to clean up its act.

NEW WHALEY AD PRAISES WORK, PROMISES JOBS

Dayton Mayor Nan Whaley has released a new internet ad touting the dignity of work as she seeks the Democratic nomination for governor.

Dayton Daily News
www.daytondailynews.com

LEHNER'S BILL AIMS TO CHANGE OHIO TEACHER EVALUATION SYSTEM

The Ohio Teacher Evaluation System (OTES) could see significant changes if a bill recently introduced by State Sen. Peggy Lehner (R-Kettering) becomes law.

STATE SENATOR TO RUN FOR MIAMI COUNTY COMMISSION

State Sen. Bill Beagle (R-Tipp City) today declared his candidacy for a seat on the Miami County Commission.

THE ENQUIRER

'RIGHT TO WORK' IN OHIO? GOP LAWMAKER WANTS VOTERS TO CHOOSE

Undeterred by the acrimonious fight over Senate Bill 5, GOP Rep. John Becker wants voters to choose whether Ohio should become a right-to-work state.

From: Gongwer News Service
Sent: Wednesday, December 20, 2017 8:42 AM
To: Rep76
Subject: Ohio Media Clips, Wednesday, December 20

Unsubscribe

It appears that you have subscribed to commercial messages from this sender. To stop receiving such messages from this sender, please unsubscribe

MEDIA CLIPS	View in a browser
GONGWER SINCE 1906 OHIO'S HOME FOR POLICY & POLITICS	News Bill Tracking Legislation

NEWS

Federal judge dismisses legal effort to stop gas pipeline (Associated Press, 12/20/2017)

Ohio attorney general not joining legal fight over net neutrality (Associated Press, 12/20/2017)

'Right to work' in Ohio? Becker wants voters to choose (Cincinnati Enquirer, 12/20/2017)

Your tax bill savings might not be as big as advertised. The economic development benefits might not be, either (Cleveland Plain Dealer, 12/20/2017)

New Whaley ad praises work, promises jobs (Columbus Dispatch, 12/20/2017)

Report suggests state agency already has violated new contracting policy (Columbus Dispatch, 12/20/2017)

Stivers announces net neutrality bill (Columbus Dispatch, 12/20/2017)

Tax revision almost law; one more vote left (Columbus Dispatch, 12/20/2017)

Lehner's bill aims to change Ohio teacher evaluation system (Dayton Daily News, 12/20/2017)

Report: Ohio cities facing fiscal stress despite improving economy (Dayton Daily News, 12/20/2017)

Senate passes GOP tax bill; House to revote Wednesday (Dayton Daily News, 12/20/2017)

EDITORIALS

Editorial: 2012 effort a dog of a law (Columbus Dispatch, 12/20/2017)

Editorial: Truth and news under assault (Columbus Dispatch, 12/20/2017)

This message is provided to you as part of your subscription to Gongwer News Service.

Please send all correspondence to gongwer@gongwer-oh.com. This mailbox is not regularly monitored.

[View as a Web Page](#)

Copyright 2017, Gongwer News Service/Ohio
17 S. High St., Suite 630, Columbus OH 43215

All Rights Reserved. This message and any attachments may not be forwarded or reproduced without

express permission from Gongwer News Service.

unsubscribe

From: Michalowski, Joe

Sent: Wednesday, December 20, 2017 2:43 PM

To: Michalowski, Joe

CC: Basie, Margaret

Subject: Becker & Riedel REVISED Co-sponsor Request: Six Right-to-Work Constitutional Amendments

Attachments: Becker & Riedel Co-sponsor Request- Six Right-to-Work Constitutional Amendments.pdf

Importance: High

Representative Craig S. Riedel

has signed on to all six of these constitutional amendments as a joint sponsor with Rep. Becker.

Each of the six amendments would appear on Ohio's general election ballot on November 3, 2020.

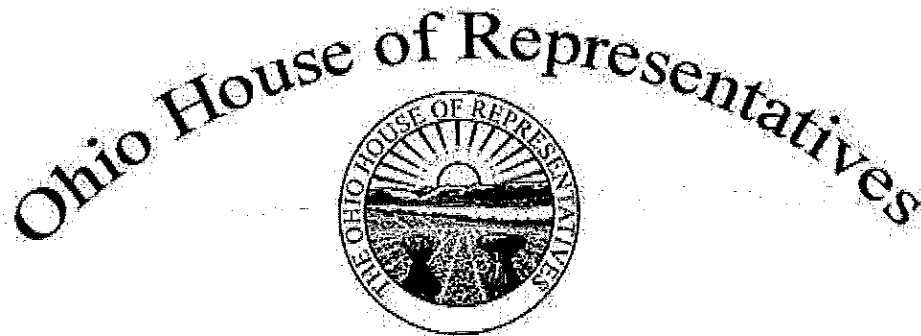
The current co-sponsors of all six are: Rep. Thompson, Rep. Brinkman, Rep. Dean, Rep. Keller, Rep. Roegner, and Rep. Zeltwanger.

Rep. Lang is a co-sponsor on the following constitutional amendments: private-sector right-to-work (amendment #1); public-sector prevailing wage (amendment #3); and public-

sector project labor agreements (amendment #5).

Rep. Vitale is a co-sponsor on public-sector right-to-work (amendment #2).

Revised deadline to co-sponsor is TODAY
at 5:00 PM. Please note which constitutional amendment(s) you wish to co-sponsor.



Representative John Becker
Ohio's 65th House District

Representative Craig S. Riedel
Ohio's 82nd House District

MEMORANDUM

To: GOP House Members
From: Representative John Becker and Representative Craig S. Riedel
Date: Wednesday, December 20, 2017
RE: REVISED: Co-Sponsor Request: Six Right-to-Work Constitutional Amendments

The following are six separate Right-to-Work related constitutional amendments in no particular sequence. Please join me in co-sponsoring one or more of the below:

1. Private-sector Right-to-Work – No worker should be required to subsidize a union as a condition of employment. Additionally, this will tell the world that Ohio is “open for business.”
2. Public-sector Right-to-Work – This is about freedom of association. Like for the private sector, no worker should be required to subsidize a union as a condition of employment.
3. Public-sector Prevailing Wage – Repeals the requirement for taxpayers to pay artificially inflated wages, rather than those that are market-based.
4. Public-sector Paycheck Protection – This prohibits state and local government employers from withholding union dues or fees from workers’ wages. Additionally, unions will be prohibited from spending workers’ money on political activities without workers’ consent.
5. Public-sector Project Labor Agreements – This is the Michigan model approved by the US Court of Appeals for the Sixth Circuit. State and local government entities will be prohibited from engaging in contracts that minimize competition for construction projects by requiring that only union or non-union labor can be considered. A level playing field will be required.
6. Public-sector Union Recertification – Requires annual reconsideration and recertification of workers’ bargaining units. This will open up competition for new bargaining units, will give workers a chance to have their voices heard, and will make union leadership accountable to their membership.

These proposals simply ask the General Assembly to put them on the ballot for the people to vote on them individually. Twenty-eight states and four out of five of Ohio’s neighboring states have enacted Right-to-Work laws. Clearly, the nation’s future is for all workers to have the right to work free of the burden of mandated union payments as a condition of employment. Ohio is being left behind, and it is time for the people to decide Ohio’s future.

If you would like to co-sponsor this legislation or have any questions, please contact Joe Michalowski at (614) 466-8134 or joe.michalowski@ohiohouse.gov. Please indicate which constitutional amendment(s) you wish to co-sponsor. **The deadline to co-sponsor is TODAY- Wednesday, December 20, 2017, at 4:00 P.M.**

Thank you for your time and consideration of this legislation.

John E. Becker

C. S. Riedel

John Becker
State Representative
65th House District

Craig S. Riedel
State Representative
82nd House District

Ohio House of Representatives



Representative John Becker
Ohio's 65th House District

Representative Craig S. Riedel
Ohio's 82nd House District

MEMORANDUM

To: GOP House Members
From: Representative John Becker and Representative Craig S. Riedel
Date: Wednesday, December 20, 2017
RE: REVISED Co-Sponsor Request: Six Right-to-Work Constitutional Amendments

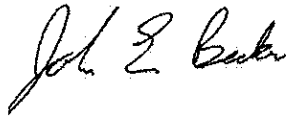
The following are six separate Right-to-Work related constitutional amendments in no particular sequence. Please join me in co-sponsoring one or more of the below:

1. Private-sector Right-to-Work – No worker should be required to subsidize a union as a condition of employment. Additionally, this will tell the world that Ohio is "open for business."
2. Public-sector Right-to-Work – This is about freedom of association. Like for the private sector, no worker should be required to subsidize a union as a condition of employment.
3. Public-sector Prevailing Wage – Repeals the requirement for taxpayers to pay artificially inflated wages, rather than those that are market-based.
4. Public-sector Paycheck Protection – This prohibits state and local government employers from withholding union dues or fees from workers' wages. Additionally, unions will be prohibited from spending workers' money on political activities without workers' consent.
5. Public-sector Project Labor Agreements – This is the Michigan model approved by the US Court of Appeals for the Sixth Circuit. State and local government entities will be prohibited from engaging in contracts that minimize competition for construction projects by requiring that only union or non-union labor can be considered. A level playing field will be required.
6. Public-sector Union Recertification – Requires annual reconsideration and recertification of workers' bargaining units. This will open up competition for new bargaining units, will give workers a chance to have their voices heard, and will make union leadership accountable to their membership.

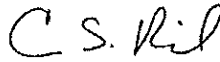
These proposals simply ask the General Assembly to put them on the ballot for the people to vote on them individually. Twenty-eight states and four out of five of Ohio's neighboring states have enacted Right-to-Work laws. Clearly, the nation's future is for all workers to have the right to work free of the burden of mandated union payments as a condition of employment. Ohio is being left behind, and it is time for the people to decide Ohio's future.

If you would like to co-sponsor this legislation or have any questions, please contact Joe Michalowski at (614) 466-8134 or joe.michalowski@ohiohouse.gov. Please indicate which constitutional amendment(s) you wish to co-sponsor. The deadline to co-sponsor is TODAY- Wednesday, December 20, 2017, at 4:00 P.M.

Thank you for your time and consideration of this legislation.



John Becker
State Representative
65th House District



Craig S. Riedel
State Representative
82nd House District

From: gongwerreports@gongwer-oh.com on behalf of Gongwer News Service
[gongwerreports@gongwer-oh.com]
Sent: Thursday, December 21, 2017 12:00 PM
To: Standard_Subscriber_misc_html@gongwer-oh.com
Subject: House & Senate Floor Reports

Unsubscribe

It appears that you have subscribed to commercial messages from this sender. To stop receiving such messages from this sender, please unsubscribe

[View in a browser](#)

GONGWER
SINCE 1906
OHIO'S HOME FOR POLICY & POLITICS

**News
Bill Tracking
Legislation**

HOUSE ACTIVITY REPORT

INTRODUCED

HJR 7

UNION MEMBERSHIP (Becker, J., Riedel, C.)
Proposing to enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of public sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember public sector employees in employment-related matters.

HJR 8**UNION MEMBERSHIP (Becker, J., Riedel, C.)**

Proposing to enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of private sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember private sector employees in employment-related matters.

HJR 9**PREVAILING WAGE (Becker, J., Riedel, C.)**

Proposing to enact Section 43 of Article II of the Constitution of the State of Ohio to prohibit a public authority from requiring a contractor on a public improvement to pay the contractor's workers the prevailing rate of wages for work performed on the public improvement.

HJR 10**PROJECT LABOR AGREEMENTS (Becker, J., Riedel, C.)**

Proposing to enact Section 2 of Article XV of the Constitution of the State of Ohio to prohibit certain requirements or prohibitions regarding labor agreements in government contracts.

HJR 11**COLLECTIVE BARGAINING (Becker, J., Riedel, C.)**

Proposing to enact Section 12 of Article XV of the Constitution of the State of Ohio to subject any public employee collective bargaining representative to an annual election to remain certified as the exclusive representative.

HJR 12**UNION DUES (Becker, J., Riedel, C.)**

Proposing to enact Section 12 of Article XV of the Constitution of the State of Ohio to prohibit dues and other fees payable to an employee organization

from being deducted from the payroll check of a public employee and to prohibit those dues and fees from being used for political purposes unless authorized by the public employee.

HB 454

CEMETERY LOTS (Patterson, J., Arndt, S.)

To require a township to compensate the owner of certain unused cemetery lots and rights which the township reenters after lack of response from the owner.

SENATE ACTIVITY REPORT

INTRODUCED

SB 246

STUDENT REMOVAL (Lehner, P., Manning, G.)

To enact the "SAFE Act" to revise the procedures for emergency removal of a student, to prohibit certain suspensions and expulsions of students in grades pre- kindergarten through three, to require each public school to implement a positive behavior intervention and supports framework in accordance with state standards, and to make an appropriation.

Please send all correspondence to gongwer@gongwer-oh.com. This mailbox is not regularly monitored.

[View as a Web Page](#)

Copyright 2017, Gongwer News Service/Ohio
17 S. High St., Suite 630, Columbus OH 43215

All Rights Reserved. This message and any attachments may not be forwarded or reproduced without

express permission from Gongwer News Service.

[unsubscribe](#)

terilaning

From: terilaning@yahoo.com
Sent: Thursday, December 21, 2017 4:06 PM
To: rep76@ohiohouse.gov
Subject: Are you going to Nashville?

Sarah LaTourette,

I find ALEC'S agenda of voter suppression unAmerican. I am not a billionaire, I and not a corporation - they do not reflect the interests of the 99% of us.

I'm a constituent and I am writing to ask if you are attending the American Legislative Exchange Council's "States & Nation" meeting in Denver this week.

I am very concerned about ALEC's influence. ALEC is an organization that has repeatedly put corporate profits above the desire of the American people.

By refusing to become a member of ALEC, you stand with the people you represent. People that play fair and work hard.

theresa laning
terilaning@yahoo.com
12481 bentbrook dr
chesterland, Ohio 44026

From: Heartland Government Relations

Sent: Thursday, December 21, 2017 5:04 PM

To: Rep76

Subject: The Leaflet: The \$6 Trillion Albatross Around States' Necks

Unsubscribe

It appears that you have subscribed to commercial messages from this sender. To stop receiving such messages from this sender, please [unsubscribe](#)

the leaflet

Weekly policy updates from
THE HEARTLAND INSTITUTE 

The \$6 Trillion Albatross Around States' Necks

America's many public pension problems are well known to those involved in public policy, but the issues might be even worse than previously believed. Researchers at the American Legislative Exchange Council (ALEC) report in a new study, titled Unaccountable and Unaffordable 2017, unfunded public pension liabilities (the amount of present liabilities that exceeds current assets) total more than \$6 trillion across the 50 states. That amounts to \$18,676 for each U.S. resident. This is due to many factors, including low contribution rates, overly generous benefits, automatic cost of living adjustments (COLAs), unrealistic assumed return rates, and states borrowing too much money to cover other expenditures. The ALEC study examines more than 280 state-administered public pension plans and reports each state's unfunded pension liabilities using a realistic assumed rate of return of 2.142 percent on investments—instead of the 7.34 unweighted rate averaged from states' current plans. Three metrics used to judge the health of states' pension systems are highlighted: total unfunded liability, unfunded liabilities per capita, and the funding ratio—the most important measure.

According to ALEC, with a funding ratio of 61.5 percent, Wisconsin has the best managed pension system. Second in line is South Dakota, at 48.1 percent. The researchers attribute Wisconsin's relatively high funding ratio to the state's hybrid pension model, which includes elements of both a traditional defined-benefit plan and a defined-contribution model.

Retirement plans in the private sector are usually defined-contribution plans, such as a

401(k) or 403(b), which rely heavily on stock market performance and other financial instruments.

The three least-funded states in the study are Illinois (23.3 percent), Kentucky (20.9 percent), and Connecticut (19.7 percent). Each of these states experienced a dip in their funding ratios compared to 2016. Connecticut's dead-last ranking is not surprising. It is "one of four states to set retiree benefits through collective bargaining and is unique in that the legislature does not have to consent to contracts for them to go into effect." The state also uses an assumed rate of return of 8 percent, which paints an extremely unrealistic picture of the pension system's financial solvency.

Kentucky Gov. Matt Bevin (R) has expressed interest in ending the use of defined-benefit pensions in his state. He would replace them with 401(k)-like plans for new public employees and current ones who choose to transfer their old pensions. Bevin has also proposed lowering the assumed return rate, which is currently 6.75 percent. Low investment returns, COLAs, and state contribution shortfalls primarily led to Kentucky's pension crisis. The pension problems were partially addressed by the state's 2013 bi-partisan reforms, which the Bluegrass State is likely to consider reforming again in 2018.

Illinois is the third-least-funded state and has the third-largest unfunded liability debt, which now totals \$388.342 billion, according to ALEC's calculations. A bill has been proposed in Illinois to create a defined-contribution retirement plan for new state employees hired after June 30, 2018, and current employees who wish to move their pensions into the new model. An opinion poll of Illinoisans shows 78 percent of respondents favor letting current state workers enroll in a 401(k)-style plan and 60 percent favor *requiring* new state workers to enroll in a 401(k)-style plan.

In a *Research & Commentary*, Heartland Senior Policy Analyst Matthew Glans explains why states must begin to make drastic changes to their public pension liabilities and not wait until it's far too late to address pension problems. "Kicking the public-pension can down the road would only serve to delay the problem, and increasing taxes and ignoring the core problems created by defined-benefit systems would only ensure the pension system will never become solvent. Comprehensive reforms that allow governments to better manage employee retirement costs are desperately needed, both in Illinois and across the country," Glans wrote.

What We're Working On

Energy & Environment

Nebraska Approves Last Segment of Keystone XL Pipeline

In this article for *Environment & Climate News*, H. Sterling Burnett, Heartland's senior fellow on environmental policy issues, writes about the Nebraska Public Service Commission's (NPSC) approval of the final segment of the \$8 billion Keystone XL Pipeline. With NPSC's 3-2 decision, the Keystone XL Pipeline cleared its final regulatory hurdle after an arduous nine-year struggle. Despite the fact the permits have been granted, questions remain about whether the final segment of Keystone XL will be completed. For much of the time the pipeline was under consideration, oil prices exceeded \$100 per barrel. With oil now hovering around \$50 per barrel, it is unclear whether the pipeline still makes economic sense.

Education

Chronic Public School Teacher Absenteeism Underscores Need for School Choice Options

In this *Research & Commentary*, Policy Analyst Tim Benson writes about a new Fordham Institute report that found one out of every four teachers (28.3 percent) at traditional public schools across the United States are "chronically absent," meaning they are out of the classroom for sick or personal leave at least 10 days in a typical 180-day school year. In Florida, more than 40 percent of traditional public school teachers are chronically absent. Even worse, more than 50 percent of Nevada traditional public school teachers and a staggering 79 percent of Hawaii traditional public school teachers are chronically absent.

Health Care

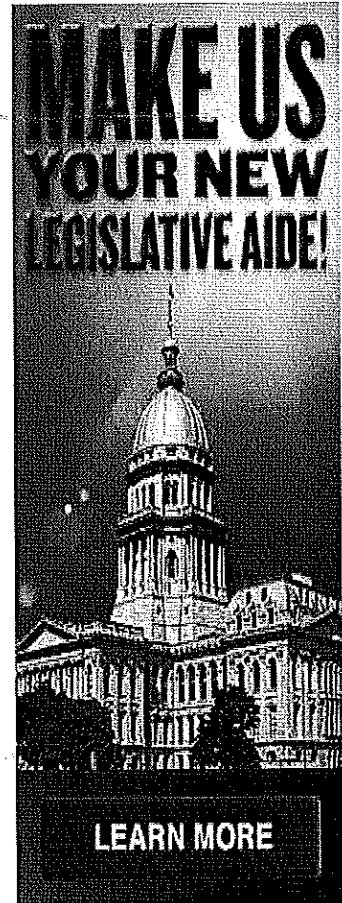
Research & Commentary: Arizona Seeks Medicaid Waiver to Install Work Requirements

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans examines Arizona's effort to use Medicaid waivers to add work requirements and time limits to its Medicaid program. "Implementing Medicaid work requirements would be a good first step for Medicaid-expansion and non-expansion states toward helping to limit the rising costs of Medicaid," Glans wrote.

Budget & Tax

Research & Commentary: Iowa Needs Pension Reform

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans examines the need for comprehensive



POLICY NEWSPAPER

pension reform in Iowa. "Hybrid [pension] models do not eliminate all the problems of defined-benefit plans, but they do limit the rapid growth of liabilities in the future. Iowa policymakers should consider using hybrid plans as a viable model for reforming state workers' pensions," wrote Glans.

From Our Free-Market Friends

Free Speech on Alabama Campuses

In "Free Speech on Campus in Alabama," the Alabama Policy Institute (API) explores problems and solutions related to free speech on college campuses located in the state. Fourteen colleges and universities in Alabama were either given a "red light" or "yellow light" rating from the Foundation for Individual Rights in Education (FIRE) for having policies that prohibit speech. None were given a green light. The difference between "red light" and "yellow light" schools is that red light colleges apply more severe and broader restrictions on speech. API recommends university administrations explicitly state their support for freedom of speech on campuses, and it calls for state legislators to pass legislation safeguarding First Amendment rights for all college students.



In the January issue of *School Reform News*, Jenni White reports on the continue widespread use of Common Core State Standards (CCSS) despite public resistance. Activists and analysts say replacement standards have been nothing more than a rebrand of Common Core. An Abt Associates study analyzing nine CCSS revisions confirms nine states kept their standards intact.

Environment & Climate

News

Budget & Tax News

Health Care News

The Heartland Institute

The Heartland Institute is a 33-year-old national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.



Our Websites

[The Heartland Institute](#)

[PolicyBot](#)

[The Freedom Pub](#)

[The Parent Trigger](#)

[Climate Conference](#)

This message was sent to rep76@ohiohouse.gov from awilkerson@heartland.org

Heartland Government Relations
The Heartland Institute
3939 North Wilke Road
Arlington Heights, IL 60004



[Manage Your Subscription](#)

From: Gongwer News Service

Sent: Thursday, December 21, 2017 6:07 PM

To: Rep76

Subject: Ohio Report, Thursday, December 21, 2017

Attachments: Dec21House.htm; Dec21Senate.htm; 171221dayplan.htm; Dec21.htm

Unsubscribe

It appears that you have subscribed to commercial messages from this sender. To stop receiving such messages from this sender, please unsubscribe

OHIO REPORT

[View in a browser](#)

GONGWER

SINCE 1906

OHIO'S HOME FOR POLICY & POLITICS

News
Bill Tracking
Legislation

OHIO REPORT THURSDAY, DECEMBER 21

Speaker Tasks Universities With Engaging High Schoolers Impacted By Opiate Epidemic

Right-To-Work, Prevailing Wage Proposals Unveiled In House

Children Services Agencies See Growing Burden From Drug Crisis; Overdose Deaths Tallied

House Republican Announces Plan To Crack Down Drug Dealers

'Significant Update' On Belmont County Ethane Cracker Slated For 2018

Federal Judge Dismisses Property Owners' Lawsuit Against Nexus Pipeline

Groups Highlight Economic Impacts Of 'Dreamers' In Push To Restore DACA

High Court Green Lights Tax Board To Take Up \$500K NASCAR Appeal

Poll Finds Democrats With Big Lead In Generic Congressional Ballots; Bacon Touts Fundraising; Scott Officially Enters District 12 Race...

ACTIVITY REPORTS

House

Senate

CALENDARS

Day Planner

Please send all correspondence to gongwer@gongwer-oh.com. This mailbox is not regularly monitored.

[View as a Web Page](#)

Copyright 2017, Gongwer News Service/Ohio
17 S. High St., Suite 630, Columbus OH 43215

All Rights Reserved. This message and any attachments may not be forwarded or reproduced without express permission from Gongwer News Service.

unsubscribe



House Activity for Thursday, December 21, 2017

INTRODUCED

HJR 7 ■ **UNION MEMBERSHIP** (Becker, J., Riedel, C.) Proposing to enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of public sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember public sector employees in employment-related matters.

Gongwer Coverage

HJR 8 ■ **UNION MEMBERSHIP** (Becker, J., Riedel, C.) Proposing to enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of private sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember private sector employees in employment-related matters.

Gongwer Coverage

HJR 9 ■ **PREVAILING WAGE** (Becker, J., Riedel, C.) Proposing to enact Section 43 of Article II of the Constitution of the State of Ohio to prohibit a public authority from requiring a contractor on a public improvement to pay the contractor's workers the prevailing rate of wages for work performed on the public improvement.

Gongwer Coverage

HJR 10 ■ **PROJECT LABOR AGREEMENTS** (Becker, J., Riedel, C.) Proposing to enact Section 2 of Article XV of the Constitution of the State of Ohio to prohibit certain requirements or prohibitions regarding labor agreements in government contracts.

Gongwer Coverage

HJR 11 ■ **COLLECTIVE BARGAINING** (Becker, J., Riedel, C.) Proposing to enact Section 12 of Article XV of the Constitution of the State of Ohio to subject any public employee collective bargaining representative to an annual election to remain certified as the exclusive representative.

Gongwer Coverage

HJR 12 ■

UNION DUES (Becker, J., Riedel, C.) Proposing to enact Section 12 of Article XV of the Constitution of the State of Ohio to prohibit dues and other fees payable to an employee organization from being deducted from the payroll check of a public employee and to prohibit those dues and fees from being used for political purposes unless authorized by the public employee.
Gongwer Coverage

HB 454 ■

CEMETERY LOTS (Patterson, J., Arndt, S.) To require a township to compensate the owner of certain unused cemetery lots and rights which the township reenters after lack of response from the owner. Am. 517.073

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2017, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.